

O'Lone, Mary

From: Marianne Engelman Lado <mengelmanlado@earthjustice.org>
Sent: Thursday, May 26, 2016 12:13 PM
To: Farrell, Ericka; O'Lone, Mary
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu); Ducharme, Brent; Alexis Andiman
Subject: Supplement to the Record, Administrative Complaint 11R-14-R4
Attachments: WINGCV2015Feb12.pdf; WingJohnston-TitleVI-Discriminatory-Impact-2015-10-19-FINAL.pdf; DECLARATION OF STEVE WING Final 2015-10-21-signed.pdf; Ex. 2 - Wing comments on Gen permit (2013).pdf; Ex. 4 - Wing & Johnston - Industrial Hog Ops. in NC... (2014).pdf; Ex. 50 - Wing et al. - Air Pollution and Odor in Communities Near Industrial Swine Operations (2008).pdf; Ex. 52 - Wing et al. - Env'tl. injustice in NC's hog industry (2000).pdf; Ex. 53 - Wing & Wolf - Intensive Livestock Operations, Health & QoL among E. N.C. residents (2000).pdf; Johnston 2016 AJPH.pdf; Guidry_2016_H2SMiddleSchoolsNearCAFOs.pdf

Dear Mary and Ericka,

This email and attachments are intended both to supplement the record in Administrative Complaint 11R-14-R4 filed on behalf of North Carolina Environmental Justice Network (NCEJN), Rural Empowerment Association for Community Help (REACH) and Waterkeeper Alliance against the North Carolina Department of Environment and Natural Resources, now the Department of Environmental Quality (DEQ) and, also, to follow up on the interview conducted by the Office of Civil Rights (OCR) on May 11, 2016 with Dr. Jill Johnston. In addition, I'm pleased to let you know **Ex. 6 - Personal Privacy**

Ex. 5 - Personal Privacy and has indicated that he would be willing to schedule an interview with OCR. In order to avoid any confusion about materials previously submitted by complainants related to Dr. Wing's work and expertise, we are attaching Dr. Wing's c.v., the original and updated disparities analyses that he co-authored with Dr. Johnston, Dr. Wing's declaration, and Exhibits 2, 50, 52 and 53 to the complaint, each of which were authored or co-authored by Dr. Wing.

With the goal of moving forward in a timely way, I have touched base with Dr. Wing on his availability and am hoping that one of the following times might be convenient for you:

Wednesday, June 15, any time between 9 and noon
Thursday, June 16, from 3-5

In follow up to Dr. Johnston's interview and to supplement the record, attached please find the final published version of Guidry, et al., "Hydrogen Sulfide Concentrations at Three Middle Schools Near Industrial Livestock Facilities," published in the Journal of Exposure Science and Environmental Epidemiology (2016), as well as a paper discussed by Dr. Johnston during the interview, Johnston, et al., "Wastewater Disposal Wells, Fracking, and Environmental Injustice in Southern Texas, published in the American Journal of Public Health (2016) (analyzing racial composition of residents living less than 5 kilometers from disposal wells using a similar approach to the disparities analysis conducted by Drs. Wing and Johnston and submitted by complainants in this case).

We will send additional material in follow up to the interview by separate cover. In addition, we understand that you had hoped to send Dr. Johnston a list of paragraphs in the complaint that she might review to determine whether the characterizations in the complaint are consistent with the findings of the disparities analyses. We await this follow up as well.

Please let me know if this email raises any question. I look forward to hearing back from you regarding a date and time for an interview with Dr. Wing. We can then also discuss the timing for any additional follow up interview with Dr. Johnston.

Thanks again,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005
T: 212.845.7393
F: 212.918.1556
earthjustice.org



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delete the message and any attachments.*

To: O'Lone, Mary[OLone.Mary@epa.gov]
Cc: Isales, Daniel[Isales.Daniel@epa.gov]; Fegley, Robert[Fegley.Robert@epa.gov]; Deener, Kathleen[Deener.Kathleen@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Hauchman, Fred[hauchman.fred@epa.gov]
From: Lackey, Leila
Sent: Wed 1/11/2017 5:49:39 PM
Subject: RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE
[draft REACH LOC to NC DEQ 1.4.2017.CLEAN 1-5-16_ORD_011117.docx](#)

Hi Mary,

Ex. 5 - Deliberative Process/ Atty Client

Please let me know if you need anything else.

Best,

Leila

From: O'Lone, Mary
Sent: Tuesday, January 10, 2017 3:26 PM
To: Lackey, Leila <Lackey.Leila@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>
Cc: Isales, Daniel <Isales.Daniel@epa.gov>
Subject: FW: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Leila-

I was just reading the response to my question about the Wing & Johnston disparity study and the Johnston fracking study.

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Thanks, Mary

From: Dorka, Lilian

Sent: Tuesday, January 10, 2017 10:49 AM

To: Robbins, Chris <Robbins.Chris@epa.gov>

Cc: Kavlock, Robert <Kavlock.Robert@epa.gov>; Hauchman, Fred <hauchman.fred@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; Deener, Kathleen <Deener.Kathleen@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Thanks so much for all of your help ORD colleagues!!

From: Robbins, Chris

Sent: Tuesday, January 10, 2017 10:39 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Kavlock, Robert <Kavlock.Robert@epa.gov>; Hauchman, Fred <hauchman.fred@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; Deener, Kathleen <Deener.Kathleen@epa.gov>

Subject: RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Hi Lilian,

Attached please find an updated version in response to the questions you raised. Please let us know if you need any additional information. Thanks!

Chris

Chris Robbins

Deputy Assistant Administrator for Management (Acting)

Office of Research and Development

(919) 541-0605

(202) 564 6141

robbins.chris@epa.gov

From: Dorka, Lilian

Sent: Thursday, January 05, 2017 6:22 PM

To: Shaw, Betsy <Shaw.Betsy@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Cc: Garbow, Avi <Garbow.Avi@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>

Subject: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Importance: High

Ex. 5 - Deliberative Process

Happy new year and best wishes for 2017! Thank you all so much for all of the assistance you have already provided on this on this high priority case involving NC DEQ's administration of the swine feeding operations in their state.

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

We very much appreciate your help! If you have any questions, please let me or Mary O'Lone know how we can help. Thanks so much!

Lilian

To: Lapierre, Kenneth[Lapierre.Kenneth@epa.gov]
Cc: Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; HALIM-CHESTNUT, NAIMA[Halim-Chestnut.Naima@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]
From: Dorka, Lilian
Sent: Wed 11/23/2016 2:10:32 PM
Subject: REACH Request for Assistance from Region 4 re GIS Data

Hi Ken,

I am following up on my earlier request for R4 assistance with GIS and demographic analyses. As I mentioned, Ravi Rao has been very helpful as the investigatory team determines what GIS analyses are possible & what GIS products/analyses we will need related to RNO data of the residents living closest to these facilities. We now have a better idea of the GIS & demographic assistance needed for this case and realize a more formal request for GIS assistance is necessary as we are mindful of R4's resource allocations.

We will need some GIS maps and demographic analyses prepared in the next week or so looking at a several variations of the demographic breakdowns of populations surrounding NC swine farms. Could you please let me know ASAP if Ravi or others can help us get these analyses? As always, thank you so much for all your support. Lilian

From: Dorka, Lilian
Sent: Thursday, October 27, 2016 6:37 PM
To: Lapierre, Kenneth
Cc: Farrell, Ericka; O'Lone, Mary; Covington, Jeryl; Isales, Daniel; Rhodes, Julia; HALIM-CHESTNUT, NAIMA; Peurifoy, Cynthia; Johnson, Johahna; Wilson, Adam
Subject: REACH Case Onsite Visit Planning and Requests for Assistance from Region 4 re GIS Data

Hi Ken-

As you know, we are in the process of setting up an onsite visit to North Carolina the week of November 14th for 2 or 3 days to conduct interviews of individual residents. As I mentioned to you when you were in town last week, OCR would appreciate the assistance of 1 or 2 staff people from R4 who have technical experience in the area of CAFO operations.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Also, we are scheduling a series of planning meetings for the onsite and will need those on the

team travelling to North Carolina to join those meetings so that everyone will be on the same page and well integrated into the planning of the onsite. We have made some preliminary asks of the complainants (REACH) for feedback re the date, timing, witness availability/participation, etc., and will be following up with a conference call with Marianne and the other attorneys and, as of now, is scheduled for next Tuesday, 11/1 from 9-10 AM. **Ericka** will send out a calendar invite to the whole case team with conference line info, etc.

Also related to this case, we are in need of Region 4's resources with respect to GIS assistance. Jeryl & Mary have been speaking with Ravi Rao in your office who has been very helpful as the investigatory team determines what GIS analyses are possible & what GIS products/analyses we will need related to RNO data of the residents living closest to these facilities. Now that we have a better idea of the GIS & demographic assistance we need for the case, we realize a more formal request for GIS assistance is necessary as we are mindful of R4's resource allocations. We will need some GIS maps and demographic analyses prepared in the next week or so looking at a several variations of the demographic breakdowns of populations surrounding NC swine farms. Please let me know ASAP if Ravi or others will be able to assist us with these analyses. As always, thanks you so much for all your support.
Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Roberts, Connie
Location: Ex. 6 - Personal Privacy
Importance: Normal
Subject: FW: REACH-call with the Waterkeepers
Start Date/Time: Fri 12/2/2016 6:00:00 PM
End Date/Time: Fri 12/2/2016 8:00:00 PM

Scott, Denisse or Dan:

[Ref: NC OCR Title VI / REACH Complaint]

As fyi... This call (below) is scheduled for Friday 12/2 if you're available. I will not be able to attend.

Thanks

Connie

-----Original Appointment-----

From: Isales, Daniel
Sent: Thursday, December 01, 2016 2:42 PM
To: Isales, Daniel; Dorka, Lilian; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Wilson, Adam; Johnson, Johanna; Roberts, Connie; Peurifoy, Cynthia; HALIM-CHESTNUT, NAIMA
Cc: Temple, Kurt
Subject: REACH-call with the Waterkeepers
When: Friday, December 02, 2016 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada)
Where: Ex. 6 - Personal Privacy

Please join us if you are available (and if you can't make it, please don't worry about it). Below is background information regarding this call based on an email we received from Marianne Engelman Lado. Thanks, Dan

As you know,

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

previously submitted a declaration in support of the Complaint. His declaration was attached to the Complaint as Exhibit 6. In the declaration, **Ex. 6 - Personal Privacy** describes his experience monitoring and testing waters to determine the concentration of nutrients and bacteria from sources of industrial hog operations and other sources of waste in the water, a role played by each of the Waterkeepers who will join the call. The Waterkeepers also monitor industrial hog operations from the air, file and follow up on complaints with DEQ, and have generally worked together with community members to protect the waterways of North Carolina. **Ex. 6 - Personal Privacy** declaration was also accompanied by multiple photographs and sample water monitoring reports, as well as an unpublished report on Stocking Head Creek by Michael A. Mallin, dated Jan. 28, 2014.

Over time, the Waterkeepers have documented the impact of the operation of industrial swine facilities under the state general permit and, also, the cumulative impacts of swine and poultry waste in eastern North Carolina waterways. We hesitate to send any additional information, given our belief that OCR has more than sufficient evidence to make a finding of discrimination under Title VI and EPA regulations and issue preliminary findings and recommendations. The information attached to and in the body of this email is sent as a supplement in preparation for the interview with the Waterkeepers, with the hope that OCR will be able to discuss this material during the call.

First, attached to this email please find a set of photographs taken by

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy After the site visit to Garysburg, **Ex. 6 - Personal Privacy** noticed unusual activity involving tanker trucks in connection with a swine facility. The next day, on November 16, 2016, he arranged to fly over the facility, concerned that he had seen an effort to draw down lagoon levels in violation of state permitting requirements. **Ex. 6 - Personal Privacy** was able to capture an image of the lagoon and trucks, and took other photographs that appear to show a center pivot sprayer land-applying waste onto fields with ponded water, which appear saturated. Waterkeeper reported this potential violation to DEQ, which followed up and issued a notice of violation. Had **Ex. 6 - Personal Privacy** not been present, noticed the unusual activity, and arranged for a flyover, however, it is highly unlikely that this violation would have been noticed or addressed by DEQ.

Second, **Ex. 6 - Personal Privacy** will be available to speak about the series of videos that were recently released by Waterkeeper Alliance and North Carolina Riverkeepers capturing the struggle of community members living with the impacts of industrial animal production. Together, Waterkeeper Alliance and its North Carolina counterparts present first-hand accounts of community members, scientific experts and others on the ground, showing the impacts of animal product to public health, quality of life, and local waterways. The nine short videos are listed

below:

- o "The True Cost of Industrial Meat Production" -- An overview of what is happening in North Carolina, where industrial animal production has taken the place of family farms.
- o "Wasting Away" -- Highlights the problem of industrial animal waste and how the pork industry is not being held accountable to dispose of it correctly.
- o "Belly Up" -- How waste generated by industrial meat production is decimating North Carolina's waterways and in turn, killing its fish and ecosystems.
- o "Birthright" -- Community members whose families have lived on their properties for generations talk about the heritage of their land and how it has been overtaken by industrial agriculture and animal waste.
- o "Prisoners" -- Residents discuss how they have become prisoners in their own homes due to the impacts of pollution from industrial animal production, which make it nearly impossible for them to enjoy their property.
- o "Mislabeled" -- How the pork industry deceives consumers with its marketing tactics and labeling of its products.
- o "Bullied" -- Duplin County resident Ex. 6 - Personal Privacy talks about how she has been intimidated and threatened by the pork industry to remain silent about the injustices she and her family faces.
- o "Silenced" -- The pork industry intimidates by bullying and seeking to silence the people most affected by the impacts of its pollution.
- o "The Value of Land" -- The pork industry's refusal to dispose of its waste in a regulated and more sustainable manner has decimated people's property values, making them unable to move.

These videos expand on the recent landmark report and GIS initiative by Waterkeeper Alliance, North Carolina Riverkeeper organizations and Environmental Working Group that shows the location and waste outputs of more than 6,500 swine, cattle and poultry operations throughout North Carolina. (Complainants previously forwarded information on the maps produced by the GIS initiative; available at <http://waterkeeper.org/fields-of-filth-landmark-report-maps-feces-laden-hog-and-chicken-operations-in-north-carolina/>.)

The Waterkeepers can also speak to their recent experience documenting the impacts of Hurricane Matthew and, particularly, the risks posed by lagoons and sprayfields to the waterways in this low lying coastal region, which is susceptible to hurricanes. See Complaint

paragraphs 75-78. The North Carolina Riverkeepers conducted flyovers, documented spraying in advance of the storm (in violation of state permit conditions), and photographed overflows and potential problems at the facilities in the aftermath of the hurricane. See photos at <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>.

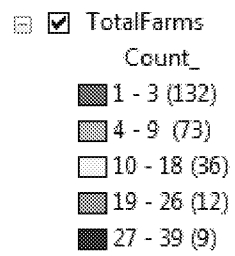
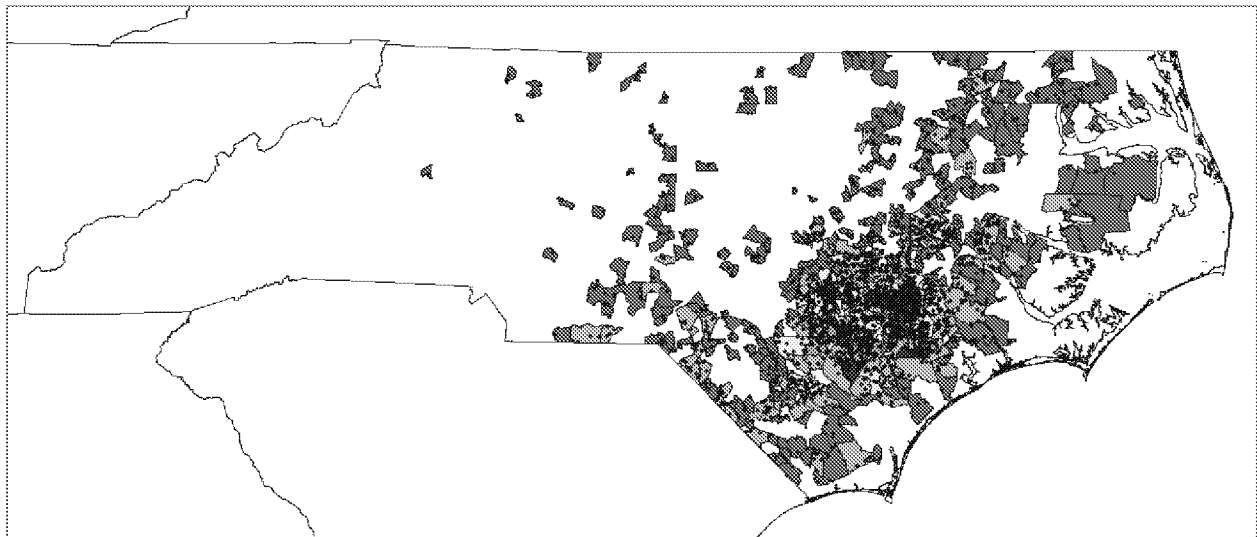
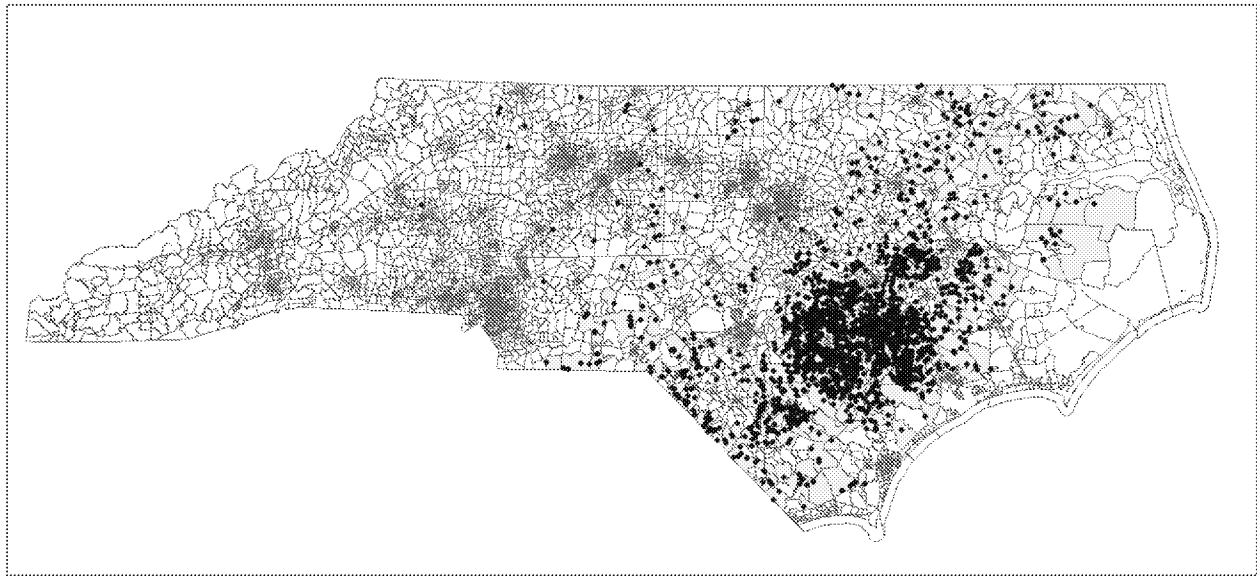
Please let me know if these materials raise any question or if you have questions that you'd like the Waterkeepers to consider in advance of the call.

September 26,2016

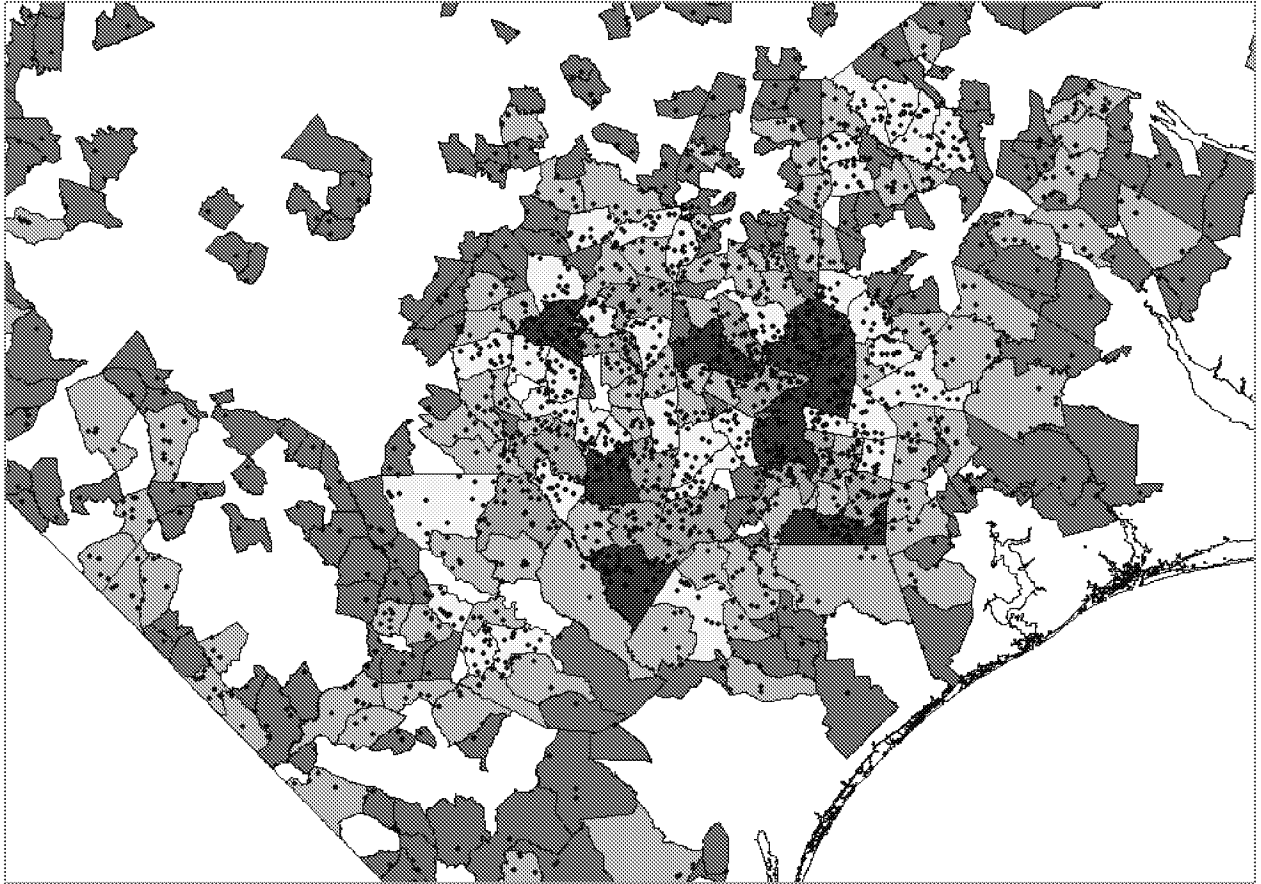
Hog Farms: = 2018

Total Block Groups in NC = 6155

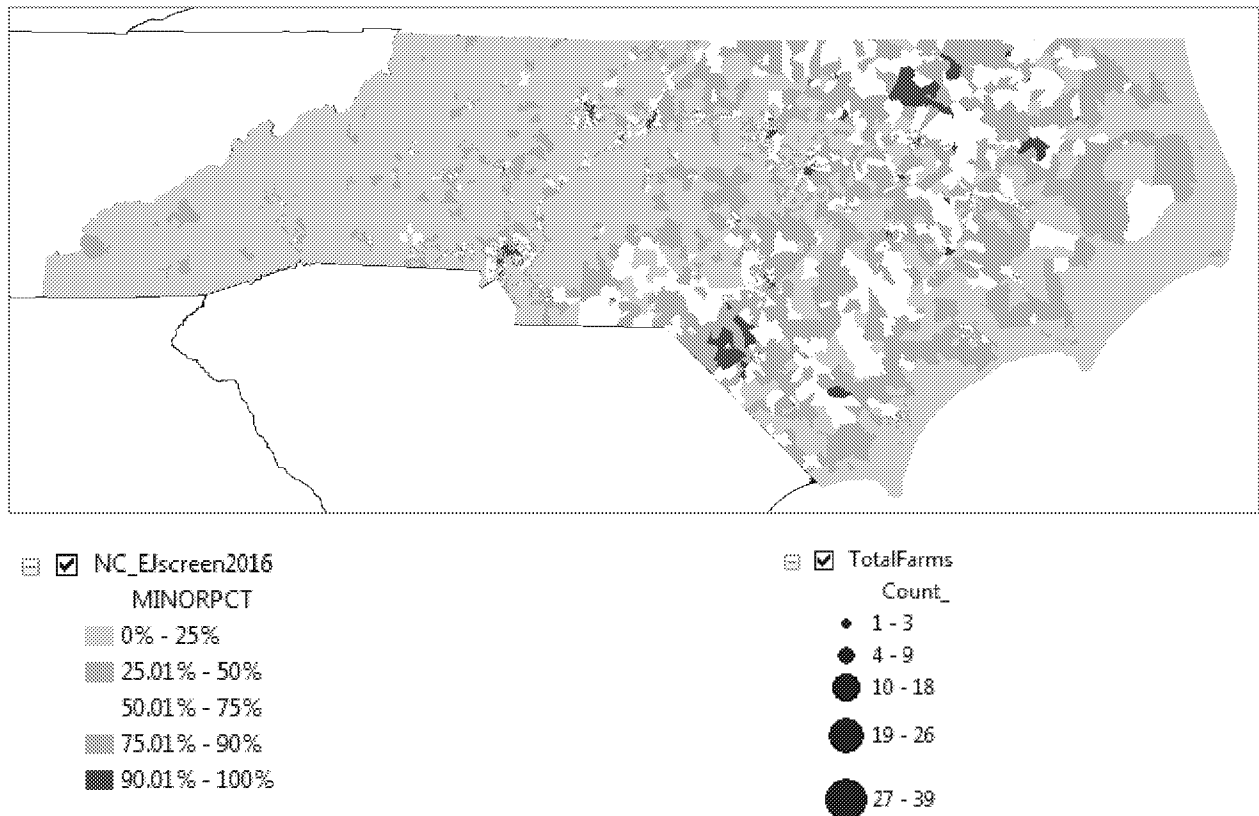
BGs with Farms = 441 (7 %)



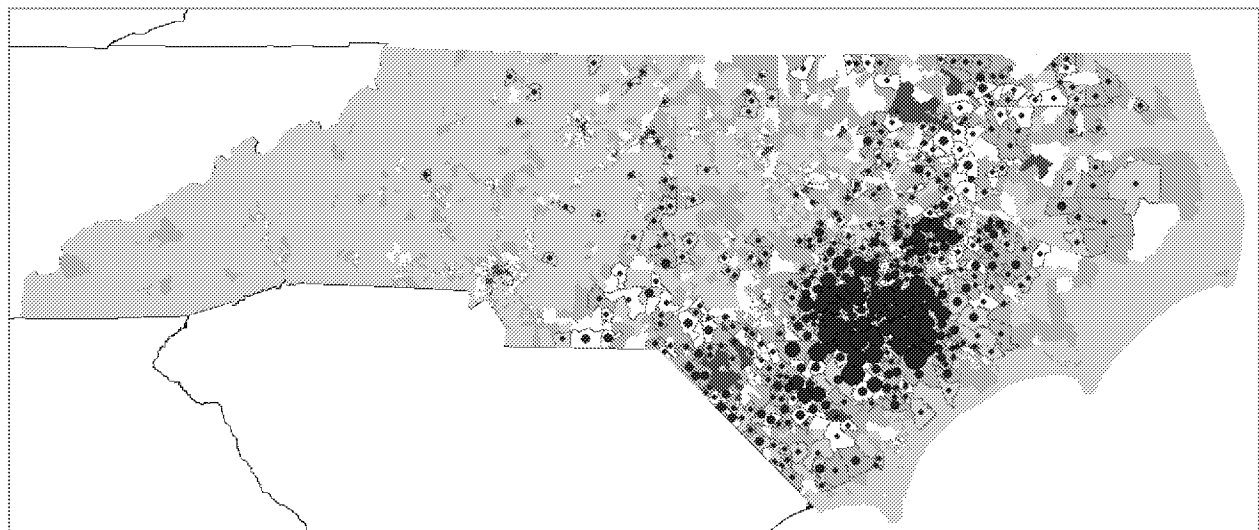
Computer Generated thresholds (Natural Breaks)



Percent Minority for the State Based on EJSscreen Bock Groups



Overlay number of Farms with Minority Population

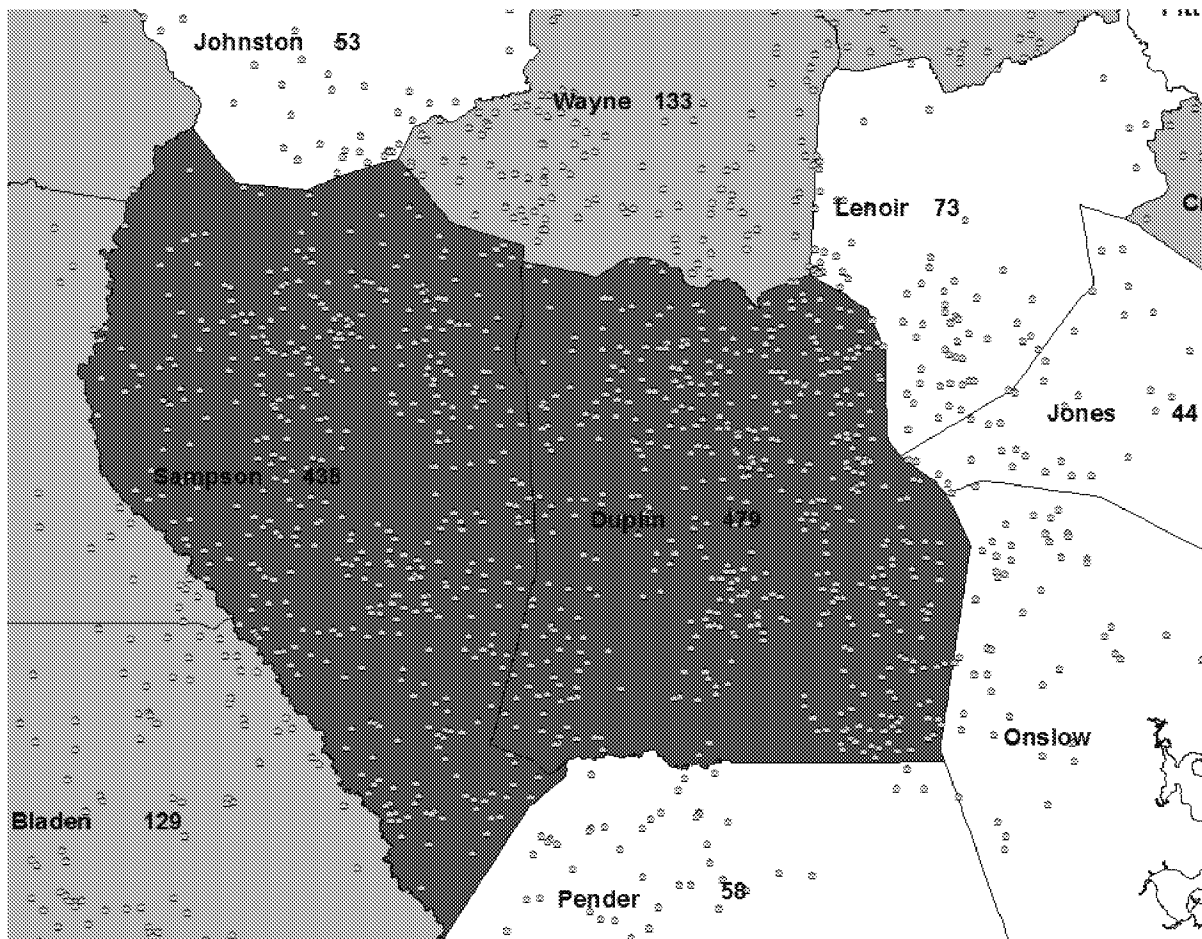
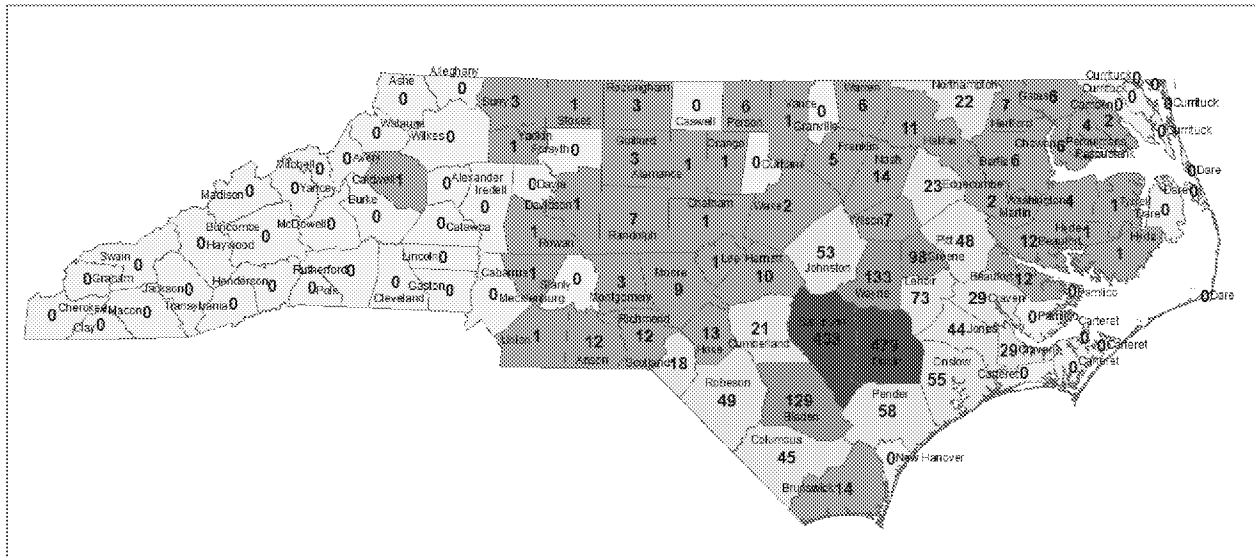


Same as Above:

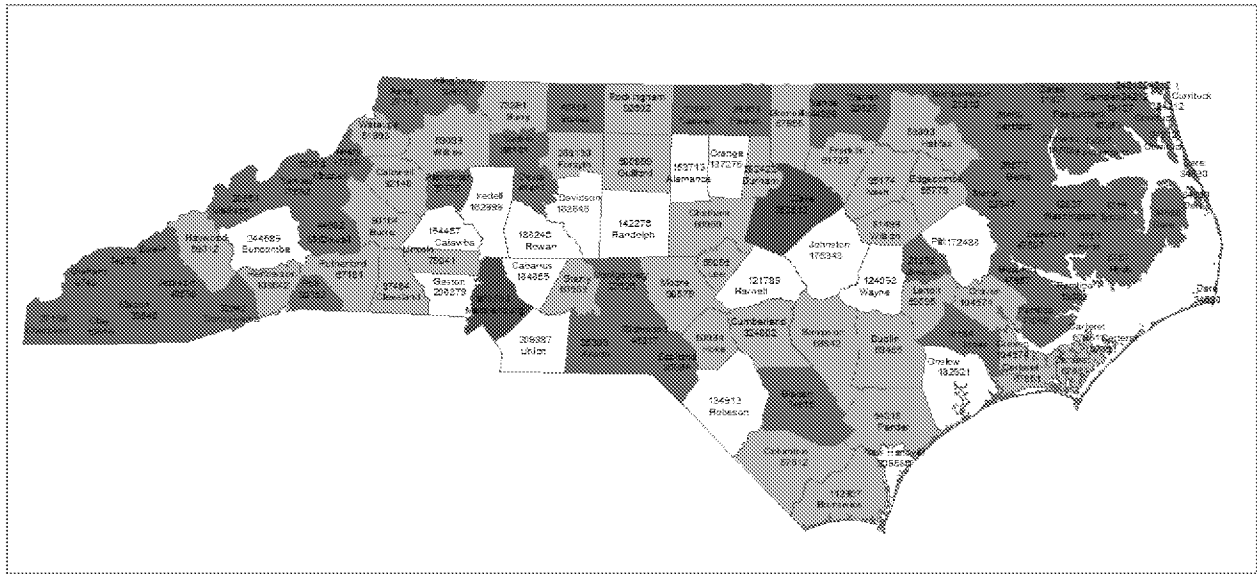


Do the block groups with the largest percentage of minority have the largest number of farms ????

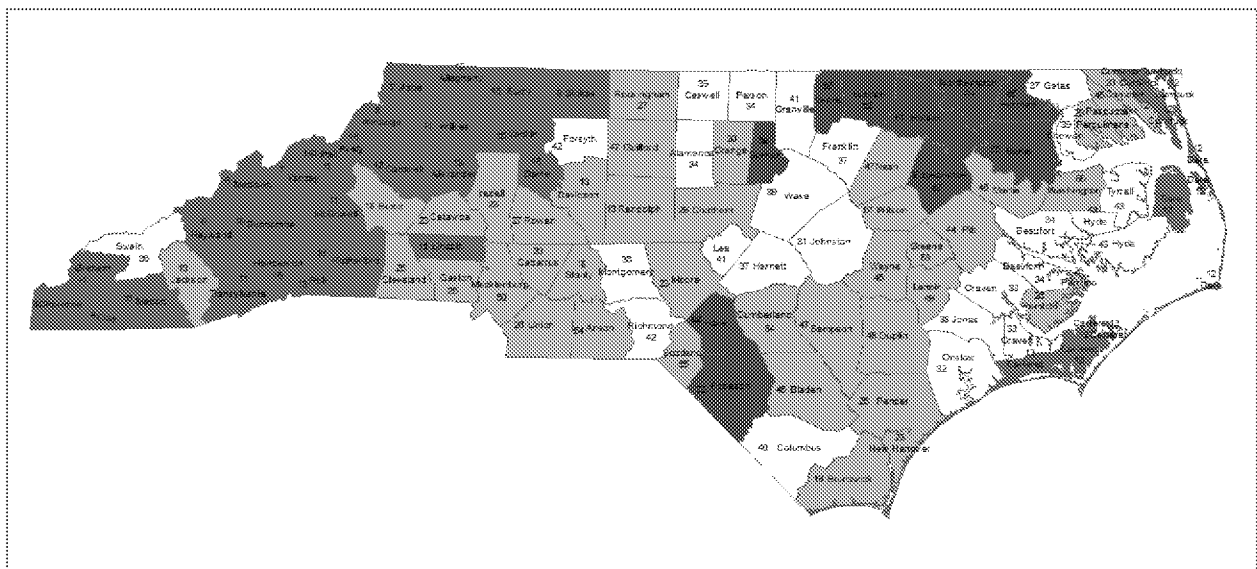
Number of Farms:



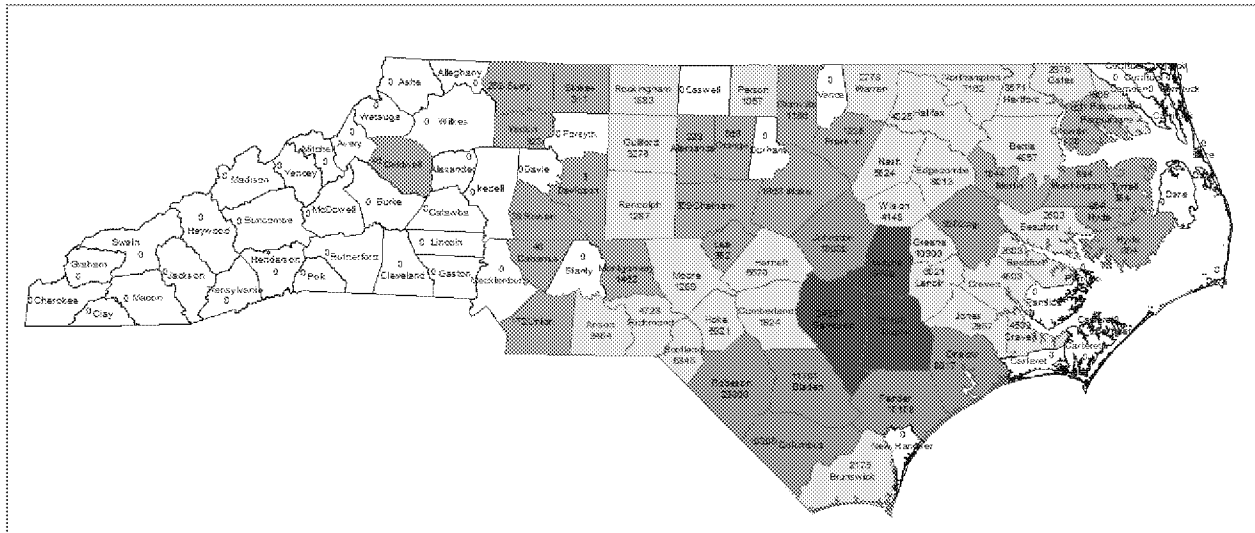
Total Population by COUNTY for the STATE



Percent Minority by COUNTY for the STATE

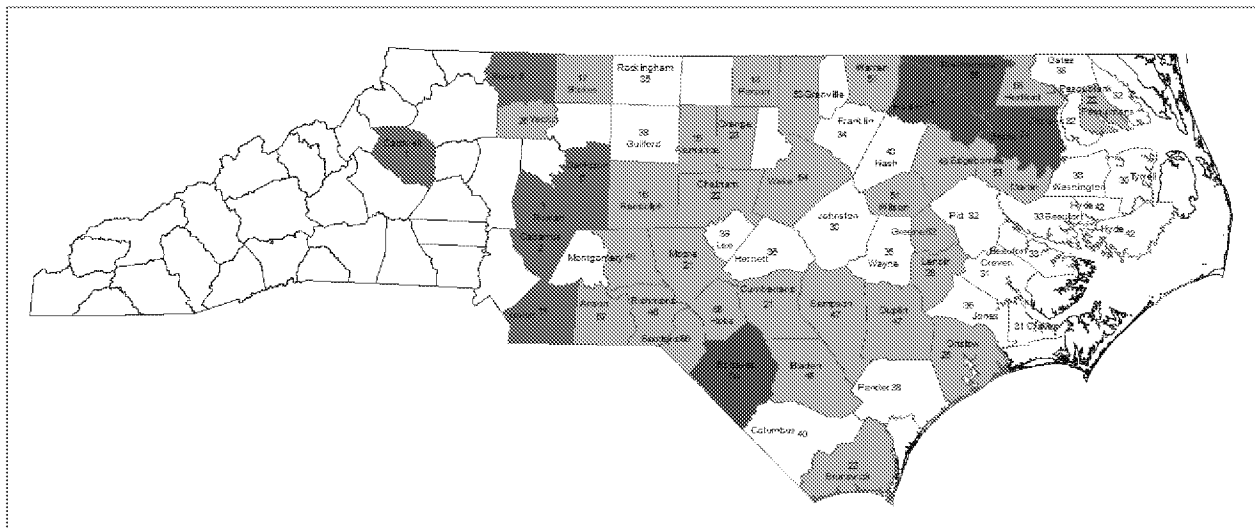


Total Population by COUNTY for the COUNTIES WITH ATLEAST 1 SWINE FARM

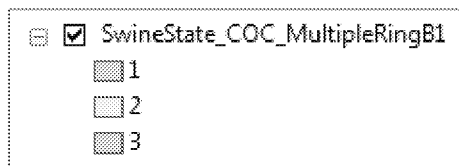
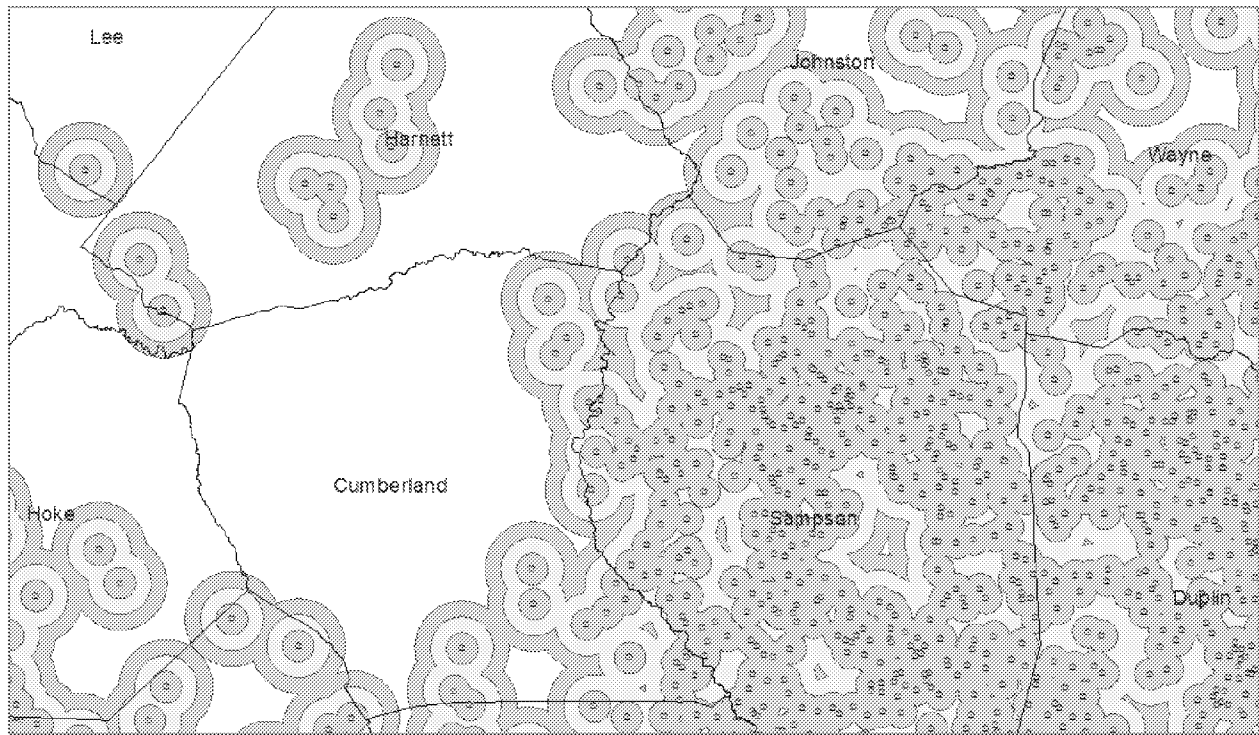


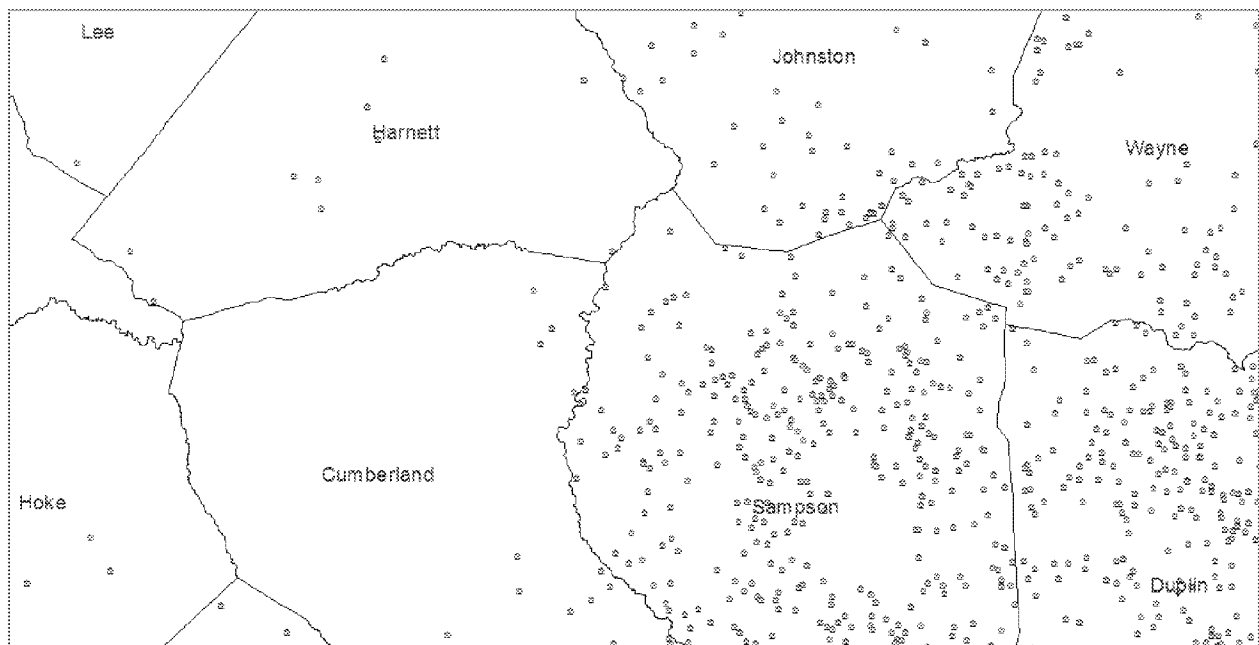
Counties show zero population because these counties did not have a swine farm.

Percent Minority (%) by County for the COUNTIES WITH ATLEAST 1 SWINE FARM

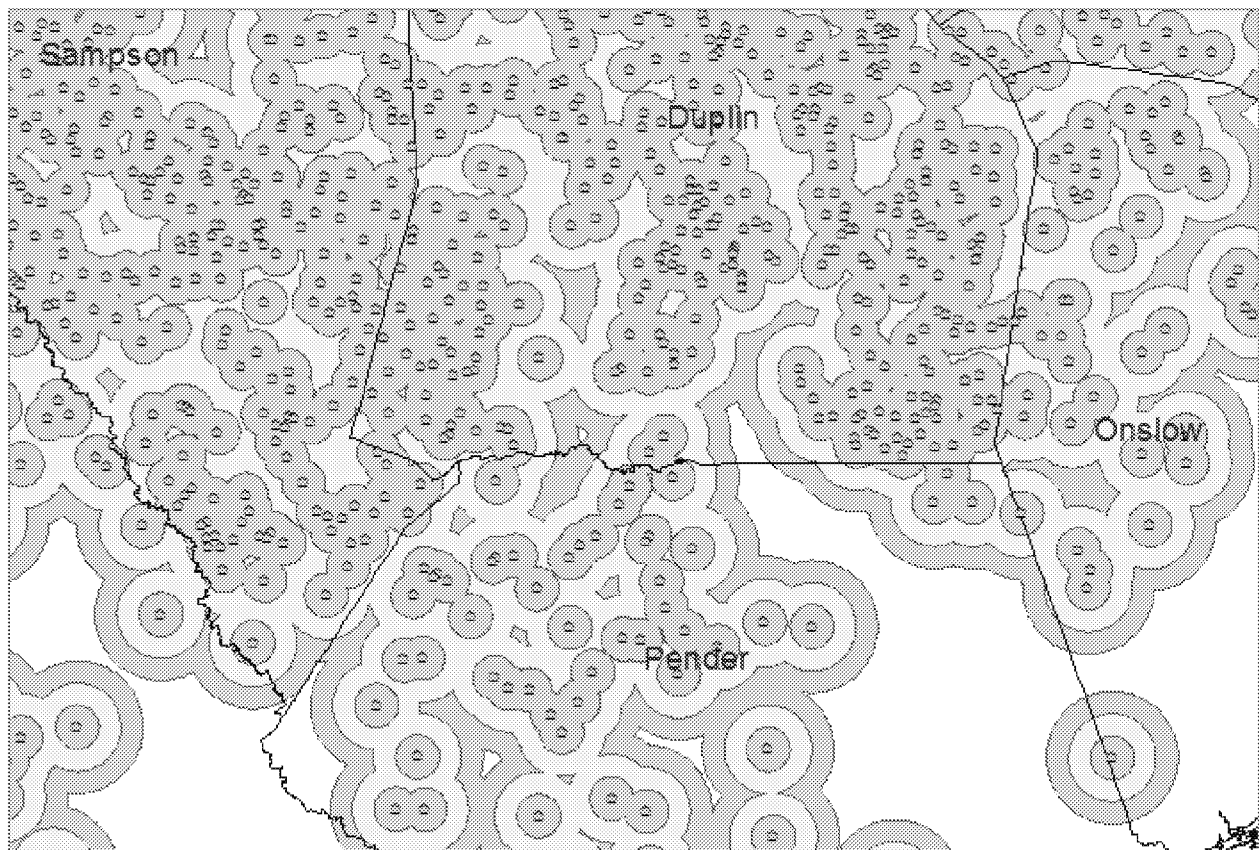


Different Radius/Buffers/Circles = 1 mile, 2-mile, 3-mile

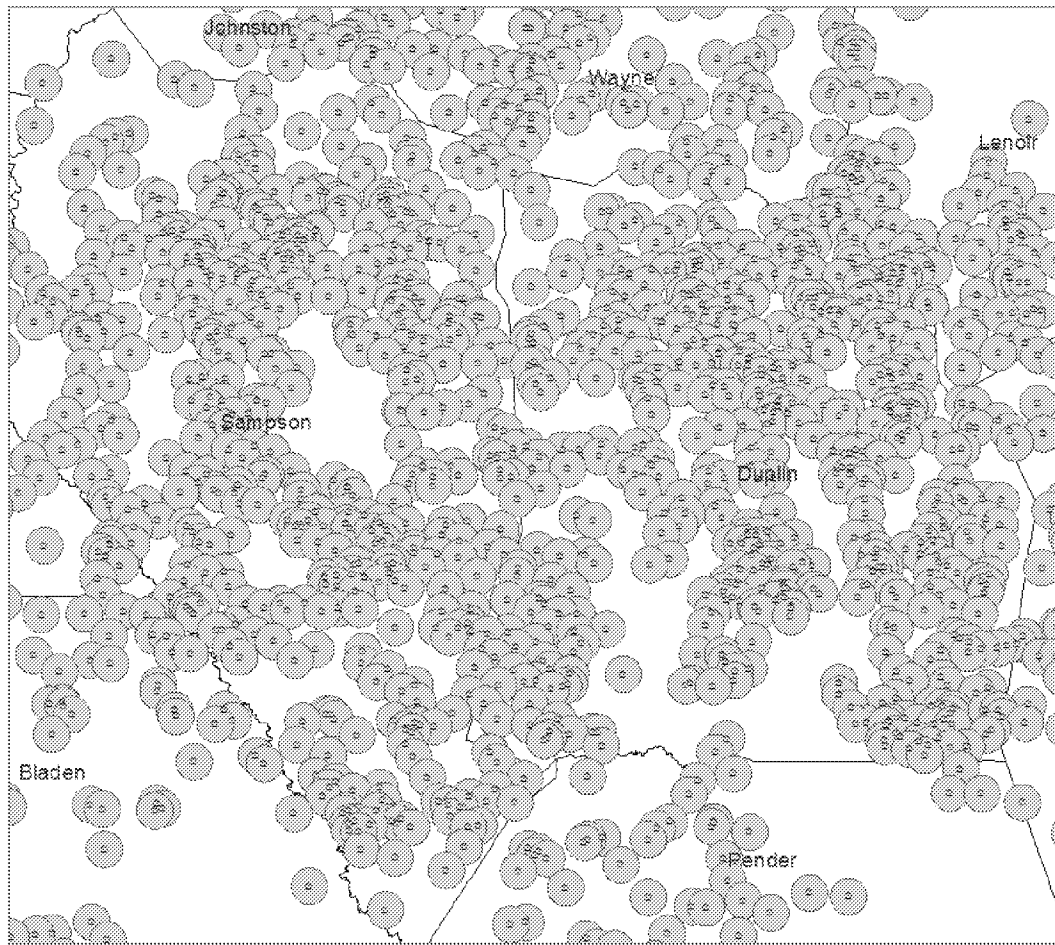




There are not any points with all 3-mile in the large 2 counties.



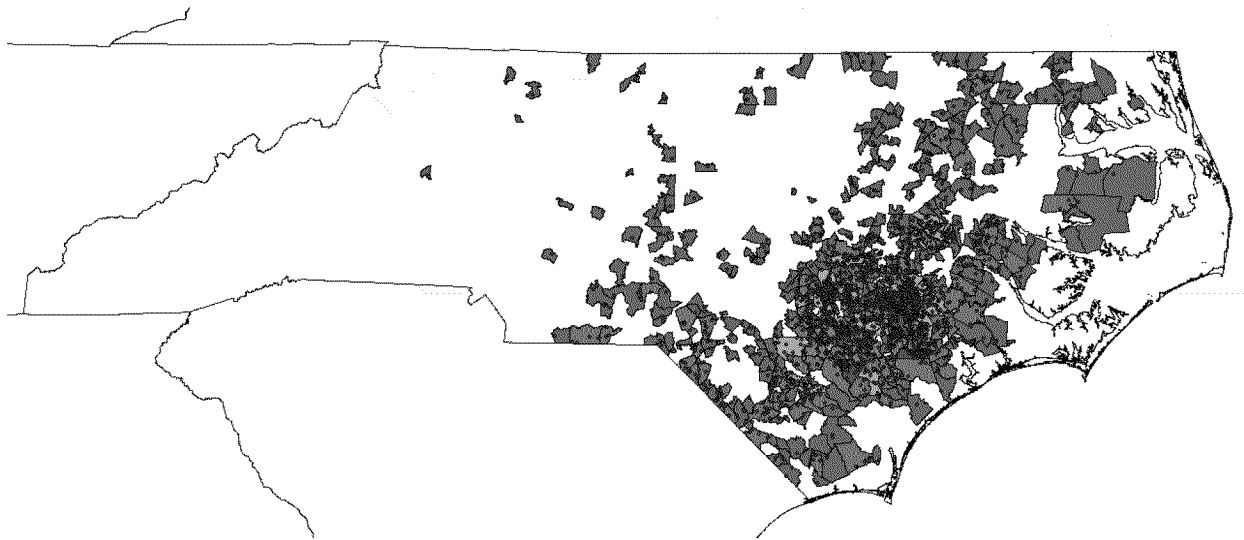
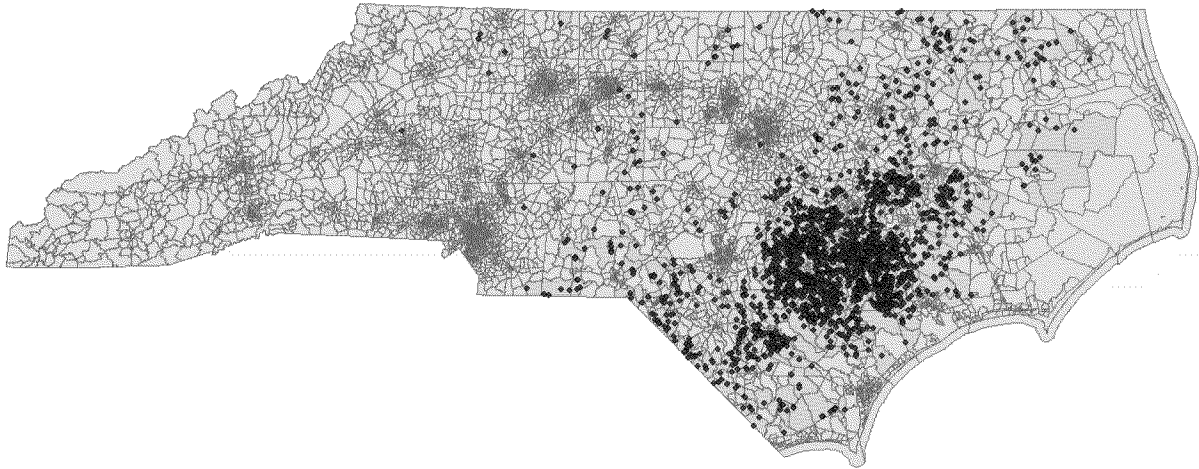
1-Mile Radius - overlap

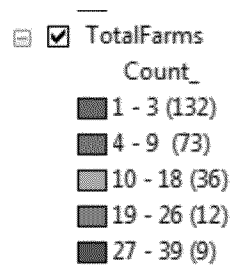


Hog Farms: = 2018

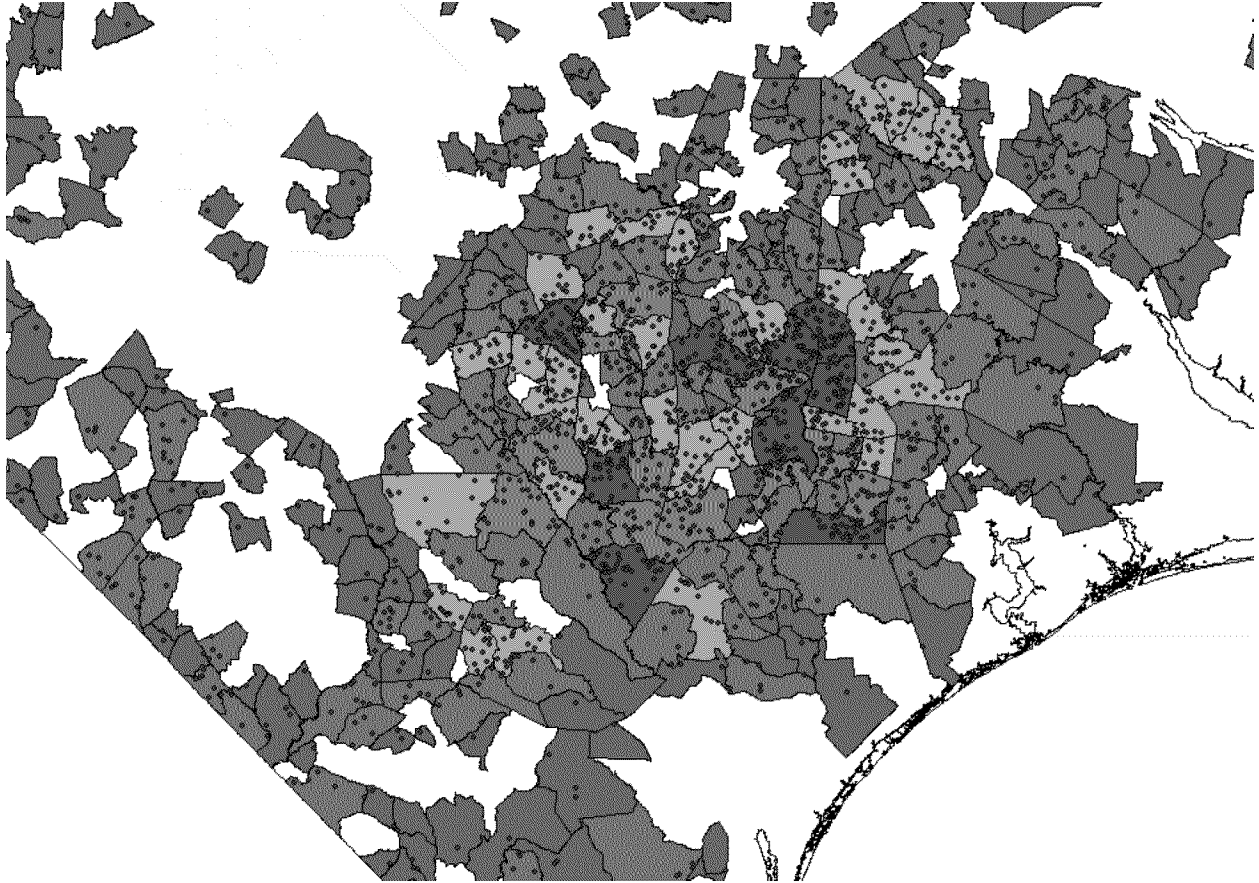
Total BGs in NC = 6155

BGs with Farms = 441 (7 %)

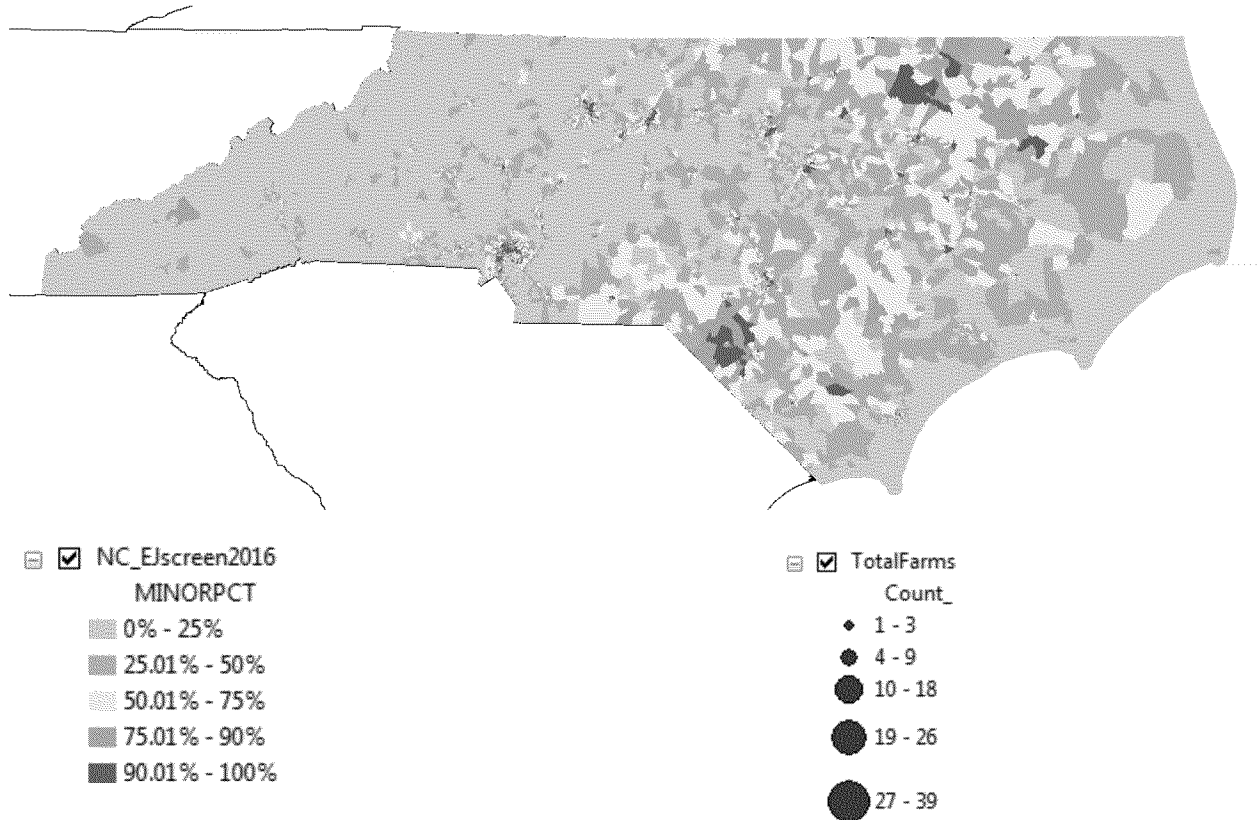




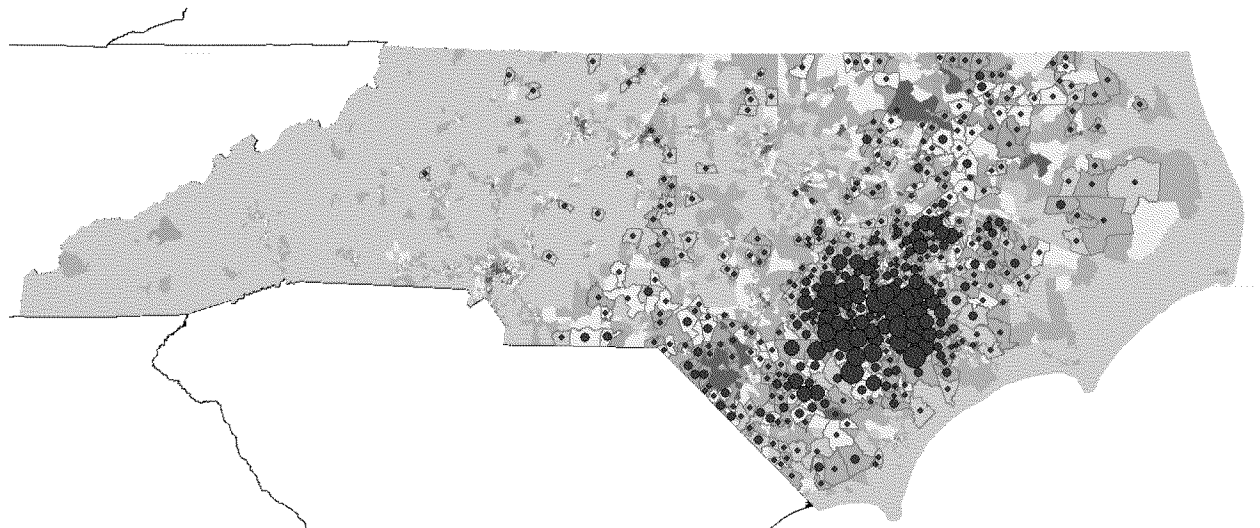
Computer Generated thresholds (Natural Breaks)



Percent Minority for the State Based on EJSscreen Bock Groups



Overlay number of Farms with Minority Population



Same as Above:



Ex. 5 - Deliberative Process

To: Isales, Daniel[Isales.Daniel@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
Cc: Griffith, Emily[griffith.emily@epa.gov]
From: O'Lone, Mary
Sent: Thur 10/20/2016 2:15:13 PM
Subject: RE: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

FYI. I figured today's meeting will likely be dominated by the site visit.

Deliberative Process / Ex. 5

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Isales, Daniel

Sent: Thursday, October 20, 2016 9:43 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: FW: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Dorka, Lilian

Sent: Tuesday, October 18, 2016 9:44 PM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Tejada, Matthew
<Tejada.Matthew@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; O'Lone, Mary

<OLone.Mary@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Lee, Charles <Lee.Charles@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Lawrence, Tanya <Lawrence.Tanya@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Re: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

Hello Everyone,

I would like to acknowledge receipt this email, thank her and all who attended for traveling up for the meeting, etc, thank her for providing this additional information that we will add to the file, send her a list of EPA participants at the meeting (in person and on phone), and, w respect to the onsite, I would like to let her know we would like to set up a time, soon, to discuss it with her.

Any concerns/suggestions on any aspects of my proposed message? Thanks!

Sent from my iPhone

On Oct 18, 2016, at 8:18 PM, Marianne Lado <marianne.lado@gmail.com> wrote:

Dear Lilian,

This email is sent on behalf of the North Carolina Environmental Justice Network (NCEJN), the Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc., to thank you, Matt Fritz, Mustafa Ali, Mary O'Lone and all others who helped pull together the meeting on October 5, 2016 at EPA regarding the status of their complaint (EPA File No. 11R-14-R4). We appreciated the time devoted to the meeting and the commitment that you and others expressed in carrying forward the investigation.

As Ex. 6 - Personal Privacy said at the beginning of the meeting, she and other community members in Eastern North Carolina feel like prisoners in their homes, denied the freedom to sit outside, exposed to the odor and effects of animal feces and urine. Many of the participants in the

room – including

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy have been raising concerns about the racially disparate impacts of industrial swine operations in eastern North Carolina for decades. They are tremendous resources for information about impacts, research, and past efforts to address these issues, among other things. We were glad, therefore, that they were able to travel to DC for this meeting.

At the same time, as we discussed in the meeting, the conversation did not afford the same opportunities as a site visit. We look forward to finalizing arrangements for members of the staff at the Office of Civil Rights to come to Duplin County. We renew our offer to organize a tour and interviews with members of the community and to help in any way that we can. Please let us know how you would like to proceed and whether there is a point person for making arrangements.

We also wanted to ask you for a list of the participants in our Oct. 5 meeting: we noted some of the names but probably not all.

Finally, it was notable that as we were meeting, Hurricane Matthew was moving up the East Coast toward North Carolina. When community members returned to eastern North Carolina, many soon found themselves surrounded by rising waters. **Ex. 6 - Personal Privacy** joined his fellow North Carolina Riverkeepers who have devoted their time to documenting the impacts of overflowing hog waste lagoons on waterways. See Waterkeeper Alliance, “Waterkeeper Alliance and North Carolina Riverkeepers Conduct Aerial Patrols, Document Hog Waste Contamination and Flooded Coal Ash Ponds” (Oct. 14, 2016), available at <http://waterkeeper.org/waterkeeper-alliance-and-north-carolina-riverkeepers-conduct-aerial-patrols-document-hog-waste-contamination-and-flooded-coal-ash-ponds/>; <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>. As you know, the REACH complaint alleges that lagoons are prone to ruptures and spills, impairing surface water quality, at ¶ 75, and, further, that hurricanes in the region have “led to severe flooding of industrial swine facilities, the rupture of lagoons, and the overflow of waste into North Carolina’s creeks, rivers, and streams.” ¶ 76. The complaint further alleges that the waste spilled from overflowing lagoons is linked to outbreaks of harmful pathogens, as well as adverse environmental impacts. ¶ 77. Unfortunately, there is a high probability of hurricanes in eastern North Carolina, and the horrifying impacts we’ve seen are also predictable. The events of the last week reinforce the undeniable evidence that industrial hog operations as permitted by DEQ have adverse impacts. See also Hernández, Fritz & Mooney, “Factory Farming Practices are Under Scrutiny Again in N.C. After Disastrous Hurricane Floods,” *The Washington Post* (Oct. 16, 2016), available at <https://www.washingtonpost.com/news/capital-weather-gang/wp/2016/10/16/factory-farming-practices-are-under-scrutiny-again-in-n-c-after-disastrous-hurricane-floods/>.

Please add this letter and the information about the impacts of Hurricane Matthew to the

case file, and we request that OCR consider these effects in its evaluation of adverse impacts.

We hope that the investigation will soon move beyond establishing adverse disproportionate impacts and that OCR will take action to enforce Title VI. As we discussed on Oct. 5, community members need to be at the table when voluntary compliance measures or other solutions are discussed.

We look forward to hearing from you about next steps on the site visit.

Sincerely,

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

Elizabeth Haddix

Senior Staff Attorney

UNC Center for Civil Rights

323 West Barbee Ch. Rd.

Chapel Hill, NC 27517

T: 919.445.0176

F: 919.843.6748

www.law.unc.edu/centers/civilrights



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delete the message and any attachments.

REACH Title VI Investigation Desk Statement
EPA Complaint No. 11R-14-R4

As part of its investigation of a Title VI of the Civil Rights Act of 1964 administrative complaint (No. 11R-14-R4), which alleged discriminatory impacts from the North Carolina Department of Environmental Quality's (NCDEQ) operation of the Swine Waste Management System General Permit and allegations of intimidation and harassment, on January XXXX, 2017, EPA's External Civil Rights Compliance Office issued a letter to the North Carolina Department of Environmental Quality. This letter provides preliminary information related to the investigation and expresses concern, but does makes clear that the investigation has not concluded or that the statements contained therein represent final conclusions of fact or law. A link to the letter can be found below:

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: O'Lone, Mary
Sent: Tue 10/4/2016 8:24:44 PM
Subject: FW: REACH - request to set up call with R4 water folks

We would just set up a call separately with Chet.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy
Sent: Tuesday, October 04, 2016 4:24 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

I am not coordinating on Chet. I just mentioned him as someone you all might want to talk to separately. I don't think he needs to be in on the regional call.

Tx -Nancy



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

fax: 404.562.9663

tommelleo.nancy@epa.gov

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From: O'Lone, Mary

Sent: Tuesday, October 04, 2016 4:17 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Nancy-

On Chet. Are you all coordinating with him to have him present? Or are you recommending he be included even though he is OAQPS, not R4?

Just wondering if the OCR invite to him will be coming out of the blue or he knows & is

expecting it?

I am ccing Ericka who is making arrangements for the meeting.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy

Sent: Monday, October 03, 2016 5:04 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

I think 90 minutes. If we finish earlier – all the better.

N



Nancy L. Tommelleo

Deputy Regional Counsel

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Region 4

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From: O'Lone, Mary

Sent: Monday, October 03, 2016 4:58 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Do you think 60 minutes or 90 minutes?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy

Sent: Monday, October 03, 2016 1:13 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Mary:

Here is a list of regional folks (15) that would want to participate in the staff level call on what the Region is currently doing in NC if you want to a Calendar Invite. They cover water, Air, EJ, enforcement, some of my legal folks, and OCR. They reflect a combination of staff and managers. My contact for helping set up the VTC (once you decide on date/time) is Angela Cameron (404-562-8492).

Water:

Denise Diaz

Tom McGill

Cesar Zapata

Dan O'lone

Don Joe

Jim Giattina

EJ

Denise Tennessee

Enforcement

Scott Gordon

Air

Carol Kemker

Legal

Nancy Tommelleo

Carol Baschon

Paul Schwartz

Kim A. Jones

OCR

Ken Lapierre

Naima Halim-Chestnut

Also, you may know this, but OAQPS has been doing some emission inventory work in NC. The OAQPS contact for this is Richard (Chet) Wheylan.

Let me know date/times for the VTC.

Thanks

Nancy



Nancy L. Tommelleo

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From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 4:28 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Nancy-

Ex. 5 - Deliberative Process

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy

Sent: Wednesday, September 14, 2016 3:52 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Mary: would be on this call from HQ? and is this the call that Lilian wanted to have with our Division Director level people?



Nancy L. Tommelleo

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From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 3:00 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: REACH - request to set up call with R4 water folks

Nancy-

Per our conversation a week or so ago, would it be possible to set up a call next week with some combination of your water folks (*e.g.*, Denisse, Dan O., Don) to talk about R4 & CAFOs in NC. We are thinking probably Thursday or Friday.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Also, I don't know if Denisse, Dan, & Don are NPDES-only or also cover drinking water/groundwater issues. If they do both, we'd like to talk about that too. If not, we'd like to set up a separate chat with appropriate R4 folks on drinking water/groundwater too.

Let me know if I should send out and invite & to whom I should send it. Or if you want to set it up. Thanks, Mary

Mary O'Lone

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1200 Pennsylvania Avenue, NW

Washington, DC 20460

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To: Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: O'Lone, Mary
Sent: Tue 10/4/2016 8:16:33 PM
Subject: RE: REACH - request to set up call with R4 water folks

Nancy-

On Chet. Are you all coordinating with him to have him present? Or are you recommending he be included even though he is OAQPS, not R4?

Just wondering if the OCR invite to him will be coming out of the blue or he knows & is expecting it?

I am ccing Ericka who is making arrangements for the meeting.

Thanks, Mary

Mary O'Lone

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From: Tommelleo, Nancy
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Subject: RE: REACH - request to set up call with R4 water folks

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Office of General Counsel

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From: Tommelleo, Nancy

Sent: Monday, October 03, 2016 1:13 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

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Naima Halim-Chestnut

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Let me know date/times for the VTC.

Thanks

Nancy



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From: O'Lone, Mary
Sent: Wednesday, September 14, 2016 4:28 PM
To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Nancy-

This would be a staff level call b/c we have a bunch of background questions about how & when R4 water folk interact with NC DEQ in the CWA context (*e.g.*, the 303(d) list, review of water quality standards, any petitions to withdraw NC's NPDES program). From here it would be me, Dan Isales, maybe Simma Kupchan and/or Jim Curtin (water attys in OGC who are the NPDES & TMDL experts in the CAFO area I have been talking to), & the 2 OCR people who are working on the investigation (Jeryl Covington & Ericka Farrell).

I mentioned to Lilian that we needed to get her to reach out to Ken to get the bigger picture overview of R4 activities in NC re: CAFOs and/or the communities we are talking about (*e.g.*, EJ activities, enforcement, water stuff too). But I haven't been able to make that happen yet.
Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy
Sent: Wednesday, September 14, 2016 3:52 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Mary: would be on this call from HQ? and is this the call that Lilian wanted to have with our Division Director level people?



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

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From: O'Lone, Mary
Sent: Wednesday, September 14, 2016 3:00 PM
To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>
Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: REACH - request to set up call with R4 water folks

Nancy-

Per our conversation a week or so ago, would it be possible to set up a call next week with some combination of your water folks (*e.g.*, Denisse, Dan O., Don) to talk about R4 & CAFOs in NC. We are thinking probably Thursday or Friday. I have been getting tutoring from OGC & HQ folks on the basics of what can & can't be done under the CWA. Most conversations come back to "R4 would know more about this on the ground" or "maybe R4 has done this already."

Also, I don't know if Denisse, Dan, & Don are NPDES-only or also cover drinking water/groundwater issues. If they do both, we'd like to talk about that too. If not, we'd like to set up a separate chat with appropriate R4 folks on drinking water/groundwater too.

Let me know if I should send out and invite & to whom I should send it. Or if you want to set it up. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]
From: O'Lone, Mary
Sent: Wed 1/25/2017 10:12:51 PM
Subject: RE: REACH Mtg.: Jan 12, 2017

thanks

From: Covington, Jeryl
Sent: Wednesday, January 25, 2017 4:26 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Subject: RE: REACH Mtg.: Jan 12, 2017

Ex. 5 - Deliberative Process

Also, I did not contact OEI since the assistance referral provided to me was Olp and the Ravi. I believe that you provided a contact from OEI (Barry Nussbaum); however, I do not know whether Lilian or Laura reach out to request this assistance.

From: O'Lone, Mary
Sent: Wednesday, January 25, 2017 4:03 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Subject: RE: REACH Mtg.: Jan 12, 2017

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks, Mary

From: Covington, Jeryl

Sent: Wednesday, January 25, 2017 1:45 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>

Subject: RE: REACH Mtg.: Jan 12, 2017

I recount the NC DEQ general permit data/demo assessment as follows:

This initial request resulted from a visual request of the general CAFO locations in June 2016 in which Laura was coordinating and contacted Kevin Olp. I provided a copy of the DEQ spreadsheet to Mr. Olp. who then referred us to work with Ravi due to his work with EJ Screen (please recall that Ravi is not with the GIS group). According to Mr. Olp,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: O'Lone, Mary

Sent: Wednesday, January 25, 2017 1:00 PM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>

Subject: RE: REACH Mtg.: Jan 12, 2017

Oh yeah, that is right. Do you know if there is a reason he didn't get it from OEI?

Ex. 5 - Deliberative Process

Just want to confirm that you were both aware of the what is available through the OEI database, you already had discussions about it, and determined that what OEI has is not what he needed to start the analyses.

I am not wondering so much for REACH at this point (although it may still be live), but going forward in other cases too. Since ECRCO has no in house GIS experts,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks, Mary

From: Covington, Jeryl

Sent: Wednesday, January 25, 2017 11:42 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>

Subject: RE: REACH Mtg.: Jan 12, 2017

The demographic information was included in the meeting invite (attached).

The census information that Ravi used was from DOJ.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: O'Lone, Mary

Sent: Wednesday, January 25, 2017 11:37 AM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>

Subject: RE: REACH Mtg.: Jan 12, 2017

Jeryl-

I am sorry if you already sent it to me, but can you please send me the draft information you all talked about that day with Ravi?

Also, do you know if Ravi got the 2010 census data he is using for his drafts of the analysis from OEI?

Thanks, Mary

From: Covington, Jeryl

Sent: Wednesday, January 11, 2017 1:28 PM

To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>

Cc: Rao, Ravishankar <Rao.Ravi@epa.gov>

Subject: REACH Mtg.: Jan 12, 2017

I have just spoken with Ravi Rao about the demographic information for the REACH case. He is prepared to discuss this information with us on Thursday, January 12, 2017.

Ex. 5 - Deliberative Process

This was a time consuming project for Mr. Rao and I truly appreciate his consistent efforts to complete an evaluation of this data.

Jeryl W. Covington

Environmental Protection Specialist

U.S. Environmental Protection Agency

Office of General Counsel|External Civil Rights Compliance Office

1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524

Mail Code: 2310A

Washington, DC 20460

Desk: (202) 564-7713

Fax: (202) 565-0196

covington.jeryl@epa.gov

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: O'Lone, Mary
Sent: Tue 10/4/2016 8:13:00 PM
Subject: RE: REACH - request to set up call with R4 water folks

I think his name is Chet but he isn't R4 he is OAQPS.

I will ask Nancy if he is planning on talking or she is suggesting he be invited. It wasn't clear from the email

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Farrell, Ericka
Sent: Tuesday, October 04, 2016 3:42 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

I don't have Richard Wheylan on the invite. Could not find him in the global. Is he EPA?

Ericka Farrell

202-564-0717

From: O'Lone, Mary

Sent: Tuesday, October 04, 2016 12:42 PM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Yes if we can

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Farrell, Ericka
Sent: Tuesday, October 04, 2016 12:29 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Mary Monday is a holiday. A lot of folks will be off Friday because of the holiday on Monday.
So you talking only Thursday, October 6,

Ericka Farrell

202-564-0717

From: O'Lone, Mary
Sent: Tuesday, October 04, 2016 10:16 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

If we could get it set before the meeting on the 11th that would be great.

90 minutes should be fine – then we can follow up with whomever for more detail.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Farrell, Ericka
Sent: Tuesday, October 04, 2016 7:57 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Good Morning Mary,

I was setting it up as part 1 and part 2 because I did realize 60 minutes would probably not be enough time but I didn't want fatigue to set in by doing a two hour meeting although you mention 90 minutes.

Ericka Farrell

202-564-0717

From: O'Lone, Mary
Sent: Monday, October 03, 2016 5:09 PM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>
Subject: FW: REACH - request to set up call with R4 water folks

Ericka-

FYI, since you let Dan know you all would set up the VTC call with R4.

They had so many people listed & I had so many topics I thought there is no way 60 minutes would be enough. Please make it for 90 minutes.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy
Sent: Monday, October 03, 2016 5:04 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

I think 90 minutes. If we finish earlier – all the better.

N



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

fax: 404.562.9663

tommelleo.nancy@epa.gov

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From: O'Lone, Mary
Sent: Monday, October 03, 2016 4:58 PM
To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Do you think 60 minutes or 90 minutes?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy
Sent: Monday, October 03, 2016 1:13 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Mary:

Here is a list of regional folks (15) that would want to participate in the staff level call on what the Region is currently doing in NC if you want to a Calendar Invite. They cover water, Air, EJ, enforcement, some of my legal folks, and OCR. They reflect a combination of staff and managers. My contact for helping set up the VTC (once you decide on date/time) is Angela Cameron (404-562-8492).

Water:

Denise Diaz

Tom McGill

Cesar Zapata

Dan O'lonc

Don Joe

Jim Giattina

EJ

Denise Tennessee

Enforcement

Scott Gordon

Air

Carol Kemker

Legal

Nancy Tommelleo

Carol Baschon

Paul Schwartz

Kim A. Jones

OCR

Ken Lapierre

Naima Halim-Chestnut

Also, you may know this, but OAQPS has been doing some emission inventory work in NC. The OAQPS contact for this is Richard (Chet) Wheylan.

Let me know date/times for the VTC.

Thanks

Nancy



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

fax: 404.562.9663

tommelleo.nancy@epa.gov

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From: O'Lone, Mary
Sent: Wednesday, September 14, 2016 4:28 PM
To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Nancy-

This would be a staff level call b/c we have a bunch of background questions about how & when R4 water folk interact with NC DEQ in the CWA context (*e.g.*, the 303(d) list, review of water quality standards, any petitions to withdraw NC's NPDES program). From here it would be me, Dan Isales, maybe Simma Kupchan and/or Jim Curtin (water attys in OGC who are the NPDES & TMDL experts in the CAFO area I have been talking to), & the 2 OCR people who are working on the investigation (Jeryl Covington & Ericka Farrell).

I mentioned to Lilian that we needed to get her to reach out to Ken to get the bigger picture overview of R4 activities in NC re: CAFOs and/or the communities we are talking about (*e.g.*, EJ activities, enforcement, water stuff too). But I haven't been able to make that happen yet.
Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy
Sent: Wednesday, September 14, 2016 3:52 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Mary: would be on this call from HQ? and is this the call that Lilian wanted to have with our Division Director level people?



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

fax: 404.562.9663

tommelleo.nancy@epa.gov

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From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 3:00 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: REACH - request to set up call with R4 water folks

Nancy-

Per our conversation a week or so ago, would it be possible to set up a call next week with some combination of your water folks (*e.g.*, Denisse, Dan O., Don) to talk about R4 & CAFOs in NC. We are thinking probably Thursday or Friday. I have been getting tutoring from OGC & HQ folks on the basics of what can & can't be done under the CWA. Most conversations come back to "R4 would know more about this on the ground" or "maybe R4 has done this already."

Also, I don't know if Denisse, Dan, & Don are NPDES-only or also cover drinking water/groundwater issues. If they do both, we'd like to talk about that too. If not, we'd like to set up a separate chat with appropriate R4 folks on drinking water/groundwater too.

Let me know if I should send out and invite & to whom I should send it. Or if you want to set it up. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]
From: O'Lone, Mary
Sent: Wed 1/25/2017 4:36:32 PM
Subject: RE: REACH Mtg.: Jan 12, 2017

Jeryl-

I am sorry if you already sent it to me, but can you please send me the draft information you all talked about that day with Ravi?

Also, do you know if Ravi got the 2010 census data he is using for his drafts of the analysis from OEI?

Thanks, Mary

From: Covington, Jeryl
Sent: Wednesday, January 11, 2017 1:28 PM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Cc: Rao, Ravishankar <Rao.Ravi@epa.gov>
Subject: REACH Mtg.: Jan 12, 2017

I have just spoken with Ravi Rao about the demographic information for the REACH case. He is prepared to discuss this information with us on Thursday, January 12, 2017.

Ex. 5 - Deliberative Process

This was a time consuming project for Mr. Rao and I truly appreciate his consistent efforts to complete an evaluation of this data.

Jeryl W. Covington

Environmental Protection Specialist

U.S. Environmental Protection Agency

Office of General Counsel|External Civil Rights Compliance Office

1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524

Mail Code: 2310A

Washington, DC 20460

Desk: (202) 564-7713

Fax: (202) 565-0196

covington.jeryl@epa.gov

To: Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]
From: O'Lone, Mary
Sent: Tue 9/6/2016 12:31:30 PM
Subject: Re: REACH - PLEASE CHECK OUT THAT EWG MAP

Sorry should have included you on my email about this.

We should talk about it ASAP.

I also had some thoughts about sprayfields when looking at the aerial maps that they have in this database.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Saturday, September 3, 2016 6:52:42 PM
To: Isales, Daniel
Subject: REACH - PLEASE CHECK OUT THAT EWG MAP

ATTORNEY WORK PRODUCT PRIVILEGE

Dan-

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Isales, Daniel[Isales.Daniel@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov];
Wilson, Adam[wilson.adam@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Rhodes,
Julia[Rhodes.Julia@epa.gov]
From: O'Lone, Mary
Sent: Tue 9/6/2016 12:22:23 PM
Subject: FW: EPA OCR File No. 11R-14-R4- COMPLAINANTS' CI BRIEF
2016 9 02 CI Brief.pdf

Team-

FYI (Dan, Johahna, & Adam didn't get the copy of the letter).

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Haddix, Elizabeth McLaughlin [mailto:emclaugh@email.unc.edu]

Sent: Friday, September 02, 2016 3:42 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; 'Neal, Daria (CRT)' <Daria.Neal@usdoj.gov>

Cc: Alexis Andiman <aandiman@earthjustice.org>; Marianne Engelman Lado (mengelmanlado@earthjustice.org) <mengelmanlado@earthjustice.org>; Ducharme, Brent <ducharme@email.unc.edu>; Dorosin, Mark <dorosin@email.unc.edu>

Subject: EPA OCR File No. 11R-14-R4- COMPLAINANTS' CI BRIEF

Dear Ms. Dorka,

Attached please find Complainants' letter brief regarding EPA's consideration of cumulative impacts. We urge that consideration in OCR's investigation of the Title VI Complaint filed by our clients, the NC Environmental Justice Network, the Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc., on Sept. 3, 2014. This filing marks the two year anniversary of the filing of this complaint; we join our clients in hoping for a just resolution before its third year anniversary.

Please let us know if we can be of assistance, and thank you for your and the investigative team's time and effort.

Respectfully,

Elizabeth

Elizabeth Haddix

Senior Staff Attorney

UNC Center for Civil Rights

323 West Barbee Chapel Rd.

Chapel Hill, NC 27517

Tel. 919.445.0176

Fax 919.843.6748

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Record of Contact (To be maintained with Official Case File)

**U.S. Environmental Protection Agency
Office of Civil Rights**

FROM

To

Name: Thomas Brugato
Title: Counsel- Covington and Bolling

Name:
Title:
Name:
Title:

Complaint #: 11R-14-R4

Telephone: 202.662.5515

Time: 4 pm

Date: June 1, 2016

Attendees: Laura Bachle- phone conversation

Summary of Contact: Short phone call. Mr. Brugato asked for the status of the complaint. I informed him, based on the latest information in the pending cases docket, that it was still under internal review after ADR failure. Mr. Brugato offered his firm's assistance in supplying any information we may need.

Follow Up (if necessary): If helpful, Mr. Brugato is willing to supply further information and would like to be informed if the investigation is formally reinitiated.

EPA

**Moderator: Jonathan Stein
May 12, 2016
11:05 a .m. ET**

Operator: This is Conference #160552132

Conference record has joined the conference.

Female: Hello?

(Jill Johnston): Hello. This is (Jill Johnston).

Female: Hi (Dr. Johnston). Is Marianne on the line yet?

Mariane Engelman Lado: OK, you know what? We were mute. My apologies. So this is Mariane Engelman Lado from Earthjustice and I'm here with three colleagues and I'll let them introduce themselves.

Alexis Andiman: This is Alexis Andiman, also Earthjustice.

Brent Ducharme: Brent Ducharme from the UNC Center for Civil Rights.

Elizabeth Haddix: And Elizabeth Haddix, also from the Center for Civil Rights.

Female: Hi there. Who's there at EPA?

Ericka Farrell: OK. We got Ericka Farrell from OCR Title VI Office.

Jeryl Covington: Jeryl Covington from OCR Title VI Office.

Mary O'Loan: This is Mary O'Loan. I'm from the Office of General Counsel.

(Johanna Johnson): Hi. This is (Johanna Johnson) also from the Office of General Counsel.

Ericka Farrell: Hi there. Thank you. OK. Good afternoon. Again, this is Ericka Farrell from the Office of Civil Rights Environmental Protection Agency in Washington, D.C. and thank you for taking the time to talk with us. And please be aware that this interview Dr. (Jill Johnston) is being recorded. And, are there any objections to recording this interview?

(Jill Johnston): No.

Female: Dr. Johnston, do you have any objections.

(Jill Johnston): No I guess.

Ericka Farrell: OK. Thank you. And as you know, your August 2014 study was submitted to OCR to alive (upon) in this investigation. And so whether North Carolina, Department of Environmental Quality Regulations that's (might) bidding operations, discriminate against African-Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring counties and violation of Title VI and EPAs implementing regulations.

And today we plan to ask some – ask you some fundamental question. I'm sorry, foundational questions, regarding the study in order for the OCR to determine whether we can rely on this study for our investigation. And in doing so, we are trying to understand what issues and arguments may be raise in opposition to your study. And we may need to ask you further questions at a later date.

And as we get started, we're going to start right now, Dr. Johnston with just some basic background questions. And can you please state with the record your name.

Mariane Engelman Lado: I'm sorry. Ericka – Ericka, if I can just interrupt you for a second. I just want to make sure, there were two studies that Dr. (Wayne) and Dr. Johnston did conducted and then we submitted. One was the 2014 which you mentioned and the other was the revise version that's dated that it was exhibit 12 to submission earlier this year. And it was dated October 19th, 2015 and it's based on that current set of (hub) facilities that are under the general (permit). I just want to make sure both are in front of you.

Mary O'Loan: Well Marianne, the other one is not. The second only update. That's going to be one of our question. I'm sorry. This is Mary O'Loan. That was going to be one of our questions. Jeryl is now looking to see if we have it in our record.

(Gerald Cadington): Right. As if Exhibit 12, that's the decoration by (Jessie May Ringen).

(Jill Johnston): No. She sent on something –

Ericka Farrell: So Jeryl, is not Exhibit 12 to the complaint. It's attachment 12 to a subsequent submission that we made in 2016 that contains (Steve Lings) declaration and it contains the revision of the study.

Mary O'Loan: What's the date of that because they're think – this is Mary again.

(Jill Johnston): OK.

Mariane Engelman Lado: They're faking their head like OCR doesn't have it. April as well as, you did received it. I'm certain of that. April 12, 2016. And it had – and this is attachment 12. And it's important, you know, that we'll get into the methodologies and all that.

But you know, we wanted to make sure that there was a study of the actual data under the new permit. And these provide study is based on that, the data under the new permit.

(Jill Johnston): OK.

Mariane Engelman Lado: And we should go ahead even if you can't find it, you can ask questions based on the first study and we can resume it another time. That will still be helpful I'm sure. But it's important that you have that second study.

Mary O'Loan: (Marianne) – this is Mary again. Are you at your desk? I mean can e-mail it to Jeryl?

Mariane Engelman Lado: Yes. E-mail it to all of us so that at least we know we have it. They'll go back and look for it. But I just want to make sure that we do get it today.

Ericka Farrell: But I also agree with you. Because I think methodology change from the report submitted with the complaint today. The questions would be the same. It's just a matter of the conclusions and results, right? That's what would have change potentially.

Mariane Engelman Lado: That's right. I mean, I'll let Dr. Johnston speak and she'll answer specific questions about that. But the basic methodology is the same – there was – there may have been some twists that when you focused on it, she can answer questions about. So Alexis is forwarding it and – who's – so who's going to – if they look for an e-mail who would it be from?

Alexis Andiman: (There's) just one e-mail I can send it to you and I'll just forward it to you right now.

Mariane Engelman Lado: Who should we send that for?

Alexis Andiman: Covington.jeryl.

Mariane Engelman Lado: OK. Got that.

Alexis Andiman: @epa.gov.

Mariane Engelman Lado: We do not – yes, we do not received that. I don't have a copy of that.

Female: Hi. So back to the beginning.

Ericka Farrell: Yes. For the record, Dr. Johnston, can you please provide your full name?

(Jill Johnston): Jill Elizabeth Johnston.

Ericka Farrell: And please provide your professional contact information specifically. Your office address and office telephone number and office e-mail.

(Jill Johnston): Yes. It's 2001 North Soto Street, Los Angeles, California 90089. My office phone number is 323-442-1099 and my e-mail is jillj@usc.edu.

Ericka Farrell: Thank you. And as we begin, can you also state what your current professional position is?

(Jill Johnston): An Assistant Professor of Preventive Medicine in the Division of Environmental Health at the University of Southern California.

Ericka Farrell: OK. And as we begin, also, can you give us what your professional background is in relation to the studies that we're going to be talking about today.

(Jill Johnston): Yes. I have a PhD in Environmental Science and Engineering with the minor and public policy from the University of North Carolina at Chapel Hill and also completed a Post Doctoral Fellowship and Environmental Epidemiology also at UNC.

Ericka Farrell: OK. And now, I'm going to (time) this over to Mary.

Mary O'Loan: This is Mary O'Loan. Dr. Johnston, Marianne's probably explain to you one of the reasons that we wanted to speak with you. And after we go through the questions that we have, you can see why it was very good idea for us to speak

to you first. Because what we wanted to do when Marianne explain that Dr. (Ling) was ill and that you know, if we had a chance to speak with him in the future, we wanted to try to limit the questions that you know, we would you know, we would be asking him.

So, we really appreciate you taking yourself available to answer these questions with us. Because I think, there a lot of them and a lot it explain from the fact that don't have a particular background on this. So, we're going to ask you probably some very basic questions from your perspective.

(Jill Johnston): OK.

Mary O'Loan: But the first one is your role in the – we're going to talk first about the 2014 study. And your role in that study.

(Jill Johnston): Yes, so I collected the data and conducted the analysis and consultation with Dr. (Ling) and created that the table and figures n this report and help with drafting the tax. But Dr. (Ling) had the lead on writing the text for this.

Mary O'Loan: OK. With this study peer reviews or did it go through any kind of even in the formal internal sort of peer review?

(Jill Johnston): There was discussion with other faculty within our department at University of North Carolina but it was not submitted or considered under scientific peer review process for our journal.

Mary O'Loan: OK. And we might as well ask the update that was done. Is it similar?

(Jill Johnston): Yes, (inaudible) often not submitted or has been under a scientific peer review.

Mary O'Loan: OK. Do you – and Marianne I don't know if this is – this is may be a question for you. I don't know if it's for you or Dr. Johnston but was the – was the 2014 study submitted to North Carolina DEQ?

(Jill Johnston): No.

Mary O'Loan: OK. Or do you know if they're aware of it?

(Jill Johnston): Not to my knowledge.

Mary O'Loan: OK. All right. Now we're going to get into sort of a knots and bolts of the questions that we had about the study itself. So, Dr. Johnston, do you know – can you explain why three miles was chosen as the distance?

(Jill Johnston): Yes, so we based that on a few (pay existing) peer reviewed scientific studies. One is by (May Adelli) from 2006 that specifically looked at asthma prevalent in Medical school students in North Carolina and found that medicals are there a few mile (radius) of an industrial hub operation had higher prevalent of asthma, another asthma related symptoms, some type of students who went to school further away.

Also some (dispersion) modeling of hydrogen sulfide conducted of a large (hub case) in Iowa show that hydrogen sulfide can travel up to this 6 kilometers which is a little three miles from the facility itself and impact (air) quality in that radius. And there was also sort of two other studies that looked at, the relationship between hydrogen sulfide protections and (inaudible) one from North Carolina and one from Iowa.

The one from North Carolina being by (Getry) in 2016 and then by (inaudible) in 2013 that used 5 kilometers as their distance.

Mary O'Loan: OK. Thanks. Did you by any chance look at other distances or analyze other distances that weren't discussed in the 2014 report.

(Jill Johnston): Yes. So we did not. We considered different criteria for inclusion of senses blocks, you know, whether any part was within three miles or whether they're (centroid). But we didn't have a capacity that compare our three mile results to two miles or one mile or refresh some other criteria.

Mary O'Loan: OK. How was – so (there's) the question. How is the (block centroid) determined? Was it be graphic, vocation or?

(Jill Johnston): Yes. So it's within our GIS software with you know, the sentence lock data from the U.S. and to 2010. And then, yes, the program assigned the (centroid).

Mary O'Loan: So it assigned that based on the geographic center of the block not something to do with the population.

(Jill Johnston): It had nothing to do with population, yes. It had to do with what's (facial) definition of where the (centroid) would be based on the shape of the block.

Mary O'Loan: OK. For the study area, 19 counties were excluded that didn't have an IHO and didn't boarder one. Why was it important to exclude those 19?

(Jill Johnston): We thought it's appropriate to consider population that were potentially at risk for being near an industrial hub operation. And so, just the geography and (mountainous) nature of Western North Carolina, you know, as well as highly urbanized areas. Or just not locations where (capos) would be sided. So we didn't consider those population at risk and that did not include them in the study area for this analysis.

Jeryl Covington: Yes. This is Jeryl Covington. You do have one question on that one. You all were also excluding the counties that were adjacent to and had no – please give – can you explain the basis for that exclusion as well to the 19th county in the Western North Carolina area.

(Jill Johnston): So it's with the counties where they had any two criteria. One is they had no (capo) in that border and no adjacent county for them had any (capo). And it's largely because these areas are highly mountainous and don't have the facilities or that the land maps that you need for the liquid waste distribution system. For a (capo) to be permitted there.

Jeryl Covington: OK. All right.

Mary O'Loan: This is Mary again. What is the – can you explain the adjustment for morality and is that the same thing as adjusting for population density. And then why was that appropriate?

(Jill Johnston): Yes. So – yes. The – so the content of reality we measured it by population density for each (inaudible) block. And we find this – and so we present those to unadjusted and the adjusted values in the report. But find that this is important because the land availability and also typically the price of land is highly influence by the population density in the amount of land that is available.

And also different (inaudible) of which racial or ethnic group within which areas can be – can influence population density as well. So that's why we – we chose that content of both the marker of kind of the economics and the land availability to adjust for in the model.

Jeryl Covington: This is Jeryl again, could you – could you clarify the land availability. I wasn't quite clear on that explanation.

(Jill Johnston): OK. Yes, so, I mean. As I mentioned before, now do you need the barns to how is the animals but then also you know, field around it where the waste that's spray. So an area with the high population density, you're not going to have – it's not necessarily going to be appropriate to have the space availability to put a (capo) on those areas or to put as many.

And I sort of – it's basically, you know, the land available for agriculture can basically correlated with the population density of that area.

Mary O'Loan: But that was – OK. This is Mary again. Because I – you can't see me but my brain is cranking very slowly. But, so this is not because you were excluding these areas because you've already excluded the 19 counties that have nothing. Now you're doing an adjustment to say, to basically say that OK, in the – to find that the (sparsely) populate – maybe we'll get into when we get back into the table in explaining those. But I'm trying to understand that the fundamental points of why you did it.

And it is to say that these things tend to go in really rural areas. And you know, as we look at areas to get more and more rural, we also see, you know, where they are. The amounts of (inaudible) there are and a change in the demographics. That's why you're doing the morality piece to it?

(Jill Johnston): Yes. And it's sort of a contact of, I guess they're familiar with confounding and other epidemiological model. So we felt that population density is a very important factor that influences deciding of (inaudible) (capos). And so, that's why we presented sort of adopted models to acknowledge that fact that population density and sort of a proxy for both the cost of land and the, sort of amount of land that would be available for either cultural activity was important to consider when we're looking at the association between race and committing of how (capos).

Mariane Engelman Lado: This is Marianne. Can I jump in for a sec. Stage 4 of the 2014 reports. Dr. Johnston, you have – if there's a sentence there that says, by adjusting for populations density or morality, we compare racial vulnerability that IHOs for racial groups within each level of morality to –

(Jill Johnston): Right.

Mariane Engelman Lado: I think that's what you're getting at. Can you explain that a little bit more that is – so it's not taking away the family ins of (racist) testing for it by looking within each level were up. Or I can even say the word, morality. Is there still salience of race towards this outcome?

(Jill Johnston): That is correct and we try to provide an example here that perhaps a little bit more intuitive. But for example, like when you're looking at mortality rate and you want to compare across two populations. It's important to account for age because of risk of mortality changes with different age groups.

And so at the age structure of the two populations aren't equal, you want to address for those factors or account for those factors so that you can look with any to age group. So essentially, we're trying to account for the same thing

here that is not (inaudible) that perhaps your risk for a (capo) being permitted nearby. You – is different depending on the population density of the area where you leave.

And so by including that adjustment, we can account for those differences across different areas in North Carolina.

Mariane Engelman Lado: OK. Is everybody good on that right now? OK.

Mary O'Loan: OK. Can you explain the study state live weight calculation? So we're on page 4 again of the 2014 study. And how did you determine whether the study state live weight of an IHO should be included and I – this is – it's not about the calculation of the city state live weight but more – how you captured a particular IHO. And I sort to have two visual images in my mind. And one has – you take the (centroid) of a block. And you draw a circle three miles out, right?

(Jill Johnston): OK.

Mary O'Loan: This is what I'm thinking happened. And the latitude and longitude of any IHO that still within that three mile circle is what you counted. Is that right?

(Jill Johnston): Correct. And it was some, but yes. We started the (centroid) of each block. And did exactly what you describe.

Mary O'Loan: Because, well we were trying to figure out whether there was anything – whether it was like if you had, instead you were pulling. If there were a block that (startle) the three mile circle, you know, you would pull an IHO that might be sitting in that block. Do you know what I mean? But that's not what you did. You just – it was if the latitude and longitude of that (cape) of fit in the circle. Then it was added to the total weight.

(Jill Johnston): Yes. So in essence, each (capo) was not counted one time. It could be counted multiple times depending on how many blocks it was within three miles from.

Mariane Engelman Lado: This is Mariane Engelman Lado again. Dr. Johnston, if there was a (capo) that startled those that three mile radius or within one radius and another radius, how would you handle it?

(Jill Johnston): Yes. So we were reading on analysis is the sense of block. And so for each senses block sort of independent or the other ones, we would draw to three mile radius and count up every (capo) that sell within the three miles. And then we would go to the next, you know, the adjacent block to it. Draw a circle in count of every (capo) within three miles of that block.

And so, the son of the (stead) state live weight, could be counted, you know, if not, we didn't assigned each (capo) only to one block. Reassign each block to the nearby (capos). Either that help explain it?

Mariane Engelman Lado: I think so.

Mary O'Loan: Well, so then the next, I guess my next question is when you look at the people. So the latitude and longitude has to be within third, three mile circle. And then when you count the people, how are you doing that?

(Jill Johnston): So the people aren't counted more than once. We include the population of each fences block. So, all the – there are the hundred people living in the senses block. They're all assigned the same study state live weight based on what the three mile radius.

Mary O'Loan: OK. OK.

(Jill Johnston): So people are not counted more than once in the model.

Mary O'Loan: OK. I get it. Anybody else have any question about study state live weight? All right.

OK, the next question was about you know, asking you about the update. Did the update happened but we know that it did. So, we will skip that one and come back to it at a later date probably.

(Jill Johnston): OK.

Mary O'Loan: So on page 4, you describe how race in ethnicity was categorized. But then when we look at the complaint, we went – and we look at page – where is that? 106. 106.

OK, on page – I don't know what – 35 of the complaint. It also talks about the characterization in particular of African-Americans. And the description seemed inconsistent to us. And it had to do with (inaudible) people who could identify themselves as black and Hispanic.

And so, we were wondering if these two – if the state (meant) about it on page 4 of the 2014 report and put note 106 on page 35 of the complaint, whether they were inconsistent or weren't inconsistent or you know, like how we should be interpreting this.

(Jill Johnston): I mean, so I can describe the definition we used in the report and then maybe Marianne can talk about the footnote. But we used sort of one other race category. And so, our definition of race was anyone who identified it – identify themselves as African-Americans are black list or without any other race or ethnicity.

So if they identified as black and Hispanic, it would be categorized in this black group. So that's how we did it for the purposes of this –

Mary O'Loan: OK. I'm sorry Dr. Johnston in – on page four it says black. It's people who identify themselves as African American or Black with or without any other race. Is that right? I thought just heard only without – with.

(Jill Johnston): Yes.

Mary O'Loan: I'm sorry without.

(Jill Johnston): No, I'm sorry for the fact that I misstated. No, I meant – yes, (inaudible) written here is correct. So it's –

Mary O'Loan: And then footnote 106 says the term African American here in core sponsors turn black as used in the report it – the black racial category referred to those who identified as African American – that's probably a typo. It should be with or without.

(Jill Johnston): OK, all right.

(Johanna Johnson): Hi this is (Johanna Johnson). I just one quick follow up question. And that's with regards to individual to identify themselves as Black Hispanic. You indicated they will be categorized in the black category. But would they also appear in the Hispanic category as well?

(Jill Johnston): Yes, So I would note one of the table these terms but the definitions of Black, Hispanic and America Indian. We do not use mutually exclusive terms or mutually exclusive categories. So people when we do the race specific analysis they could be counted with more than one race based on what they identified on their (inaudible) forms.

Mary O'Loan: OK, any other –

(Jill Johnston): But the category of non Hispanic white and people of color. Those are mutually exclusive. So there's no one that overlap, you know, which is what we use for our primary analysis.

Mary O'Loan: Right. Anything else?

(Johanna Johnson): No.

Mary O'Loan: OK. Now what we'd like to and (Mary Anne) maybe you can help in the updates that was (inaudible). You know is it just the numbers that have changed? Well let me explain what I'm going to do here.

What we wanted to do was walk through in a study. Each of the tables – each of the figures and table to make sure we understand what they say. and then we wanted to look at them – look at how they're characterized in the complaint because one of the things that we have to do as discussed it internally is be able to communicate in layman's terms how these – what these findings are. So we want to make sure that we understand it and we can see that, you know, the complaint takes, you know, right up something.

And so we wanted to see – we wanted to make sure that, you know, within study or I mean what within the complaint could, you know, use that as our layman's discussions. That we wanted to cross walk these things but also go through them and make sure that we actually understand, you know, what the study itself is saying. OK.

Mariane Engelman Lado: Yes, let me give some context and I don't know if this will be helpful or not but let's try. First of all Elizabeth reminded me and we will double check. When we filled the complaint we probably sent a copy to (Inaudible) are now DEQ.

There were some confidential documents in there. So we didn't send the whole thing. And we'll have to go back and check our records and let you know what we sent and what we didn't. I don't see any reason – I mean this was not a confidential document. But I just don't remember.

So and I'm not sitting in front of the, you know, my computer where I can pull up exactly what was sent to DEQ. So we'll do that and we'll get back to you on that. In terms of the difference let me tell you our thinking and methodology as complainants. And then Dr. Johnston can say a little bit about what might have been different if you remember Dr. Johnston.

So we obviously wanted to get even though the 180 day requirement is waivable we wanted to get a complete set of allegations into OCR within 180 days. So we wanted to do – just a submit a disproportionality analysis that was rigorous within that 180 day timeline. The challenge is the 180 day timeline the data – I think it wasn't even up on the Website for DEQ then DNR. But it was and not with sufficient notice to be able to ask Dr. (Ling) and Dr. Johnston to do an analysis.

So talking to – knowing that there wasn't going to be that much difference in the location of these facilities for technical reasons which you maybe aware of that any new facility in the State of North Carolina have to use new technologies. And it's only pre-existing facilities that haven't expanded that under the state the general permit. So while some facilities may drop out of the list there are not going to be any new facilities on the list.

And there's kind of disincentive to drop out. So we knew there wouldn't be that much change. So we did ask Dr. (Ling) and Dr. Johnston if it made sense to do the disparities analysis first on the list that existed at the time right before we filed the complaint which is what they did with the – and then and they could refine their methodology by doing that building on the work that they had previously done on disproportionality.

And then once – once we had the list and I should say and Dr. Johnston you can talk more about this. There was a lot of work that went into that. There was a lot of clean up of the data. The – the geographic locations often weren't right.

There was just a lot of work that went into working with that list. And then they were able to provide the 2014 disproportionality analysis. But with the full intent that once we had the – the list of facilities that had been approved for operation under the challenge firm and are under the new permit they would then conduct the same analysis.

But I say the same kind of in quotes because if there were any – any lessons learned or any tweaks that the new data provided that they would – they were

free to kind of have the best analysis possible. So, you know, again Dr. Johnston can refresh my memory to precisely what tweaks there may have been. But I don't want to state that the only difference is in the results because there was an opportunity to have a fresh look at the methodology – fundamentally the methodology was similar. But they were able to tweak the way they were doing things in order to do the best study possible.

(Jill Johnston): Yes, so the major difference is there were 2,055 cases included in the 2014 analysis. And then for the updated analysis based on the permit list there were 2029. So, you know, that was a major change for facilities that do not undergo permitting or ones that where their permit expired and we do have any evidence that they were going to like renew their permit.

What we tried to do in the 2014 analysis was use the best available knowledge we had about which – which tape off (inaudible) to include. So we did get some additional information from the state about which ones were not operational and which ones may have had permits but had zero animals housed there. So we did make some adjustment in this first paper to try to anticipate what would be included under the general permits.

But in terms of the methodology the analysis and the tables provided are the same. We changed the figures a little bit to try to make them look nicer and we also – there were 20 western counties excluded and that was using the same criteria as we did before. But there was just one additional county that met these criteria.

Mary O'Loan: OK. Yes, OK. Well that was a good explanation. So can we now turn to the – we're going to work from the 2014 (inaudible) you know what we have in front of us. And maybe when you made the changes some of our questions will be answered.

But I just – I wanted to start on page 11 just with figure 1. And I have no questions about that. Now I'm moving on to figure 2.

Mariane Engelman Lado: OK.

Mary O'Loan: OK. It says the percent of population living within three miles of an IHO in relation to the percent of people of color. Is that the percent of the population in the green study area or the –

Mariane Engelman Lado: Yes, so all of the data and all the table and figures provided here are from the study area. So figure 3. So in the complaint figure 3 is described on page 35 in paragraph 133. I should (inaudible).

And I guess the – what were asking you Dr. Johnston is well I guess do you agree that this statements states what your study shows and what that figure shows I guess?

(Jill Johnston): Can you read the statement please?

Mariane Engelman Lado: You don't have it? I'm sorry. It says as shown in the following figure which depicts the relationship of industrial swine facilities to the racial and ethnic composition of North Carolina swine facilities are clustered in communities of color.

(Jill Johnston): Yes, I would agree with that statement.

Mary O'Loan: OK – flipping.

(Jill Johnston): And now just to note this becomes figure 2 actually in the updated report. And here we kind of just have three categories of people of color. Anyway it's displayed more closely than how we conduct the analysis in the updated report.

Mary O'Loan: What do you mean? I'm not sure I understand what you mean.

(Jill Johnston): (inaudible) – so we actually had like six – six categories that we assign census blocks into six racial category. And on this map but as original figure in order to simplify it we just show three categories under 20 percent, 20 to 40 percent and then above 40 percent.

Mary O'Loan: We – that was actually a little hard to hear. Can you say that again?

(Jill Johnston): I'm sorry. So on this figure the figure 3 we show – we just showed three categories just that we simplify for purposes of displaying the information which was less than 20 percent, 20 to 40 percent and greater than 40 percent whereas in the updated figure we show all six categories that we use for our analysis. So it's just a minor and it doesn't impact my interpretation of it.

Mary O'Loan: OK.

(Jill Johnston): But just to note if we were discussing these changes between the two versions. That was one. We just changed how we displayed the information.

Mary O'Loan: OK. in the updated version it's figure 2 on page 11.

(Jill Johnston): Yes.

Mary O'Loan: OK. So now we're moving on to table 2. So table 2 is – table 2 is discussed in a handful of paragraphs in the complaint. So I guess I will just read them to you one at a time.

So this is paragraph 132 on page – I don't know what – wait. 13, so it's 13. No. It's not. What am I talking about? 35, paragraph 132 on page 35 of the complaint. And we are talking about table 2 on page 13 of the study.

Paragraph 132 says analysis of the populations statewide yields consistent result. The proportionate of African Americans, Latino's and Native Americans statewide living within three miles of an industrial swine facility are 1.4, 1.26 and 2.3 times higher than the percentage of non Hispanic White respectively which (inaudible) is varied are also statistically significant. Is that right?

Mariane Engelman Lado: Yes, table 2.

Mary O'Loan: I would note that refers to both page 6 and table 2 of the report. The (inaudible) 32, 132.

Mariane Engelman Lado: OK.

Mary O'Loan: That is basically your sort of quoting page 6. Is that what you're saying?

Mariane Engelman Lado: I believe so.

(Jill Johnston): So that statement I think maybe actually doesn't draw on table 2 that we have shown here which is just for the study area. I think – I believe those numbers that you've read are for the whole state for a statewide analysis where we don't exclude any areas.

Mary O'Loan: OK. So which table should this or this about? Where are those results displayed? Here. It's the first paragraph on page 6, OK.

(Jill Johnston): I am not sure of all the tables from our statewide analysis were included in the documents sent to you.

Mary O'Loan: You mean – OK. So the document dated August 29th, 2014, Industrial Hog Operations in North Carolina. What you're saying is there's results discussed in the text that aren't displayed in the table or figure.

(Jill Johnston): Yes, so all the tables and the figures provided in this document are just for the analysis where we restructured to the study area as (inaudible) –

Mary O'Loan: OK.

(Jill Johnston): But there was a parallel analysis that didn't restrict that like included all (inaudible) in the State of North Carolina as of these results included in the text on page 6 (inaudible) analysis that uses the entire population.

Mary O'Loan: OK. OK. Just to draw your attention to paragraphs 131 and 132 of the complaint. 131 says analysis based on the study area that excludes the state

five major cities in western county. And then goes on to give the numbers. And then paragraph 132 by contrast says analysis of the population statewide yields consistent result.

So paragraph 131 is about the data in the study area and paragraph 132 says it's consistent but here are the numbers for the state – for a statewide run. Is that correct (Jill)?

(Jill Johnston): Yes.

Jeryl Covington: So 131 again is just for the state –

(Jill Johnston): OK.

Jeryl Covington: Or Statewide?

Mary O'Loan: Paragraph 131 says analysis on a study area so it's for the state but only the study area within the state. And that's what the tables reflect. Paragraph 132, the very first sentence says analysis of the population statewide yields consistent results.

So that's – those numbers 1.4, 1.26 and 2.39 which are the same numbers that appear at the top of the report on page 6 first paragraph is the statewide numbers not just the study area.

Mariane Engelman Lado: So the reference table is not because those numbers come from table 2. But because table 2 – wait. What is it? It's not about – the reference to table 2 should probably be like C also. It's – you know I think table, I'm sorry.

Page 6 is the actual support where table as – as Dr. Johnston said seems to be only the study area. Is it all state in the original?

Jeryl Covington: Well it's racial and ethnic composition of (inaudible) is blocked within three miles of an (inaudible) IHO and more than three miles. So it's the study area excluding the western county.

Mary O'Loan: (inaudible) the study.

Jeryl Covington: Let me (inaudible) –

Mary O'Loan: OK, so I'm sorry. So this paragraph is basically saying that the statewide results are consistent with table – the proportions are consistent with table 2 which is about the study area?

Mariane Engelman Lado: Right.

Mary O'Loan: Dr. Johnston is that right?

(Jill Johnston): Yes, yes, so yes, I open up the – I found the document. So yes, so 131 is the proportion matches within table 2 and then 132 is referring to the state wide analysis with no exclusion areas in which that we did not show the table in this report.

Mary O'Loan: OK, great. We're going to go to – I think so paragraph 140 in the complaint I think it's sort of repeat of that. The statewide proportion of African Americans living within three miles of an industrial line facility – statewide is 1.4 times higher than the proportion of non Hispanic white in that site, table 2 and in page – table 2 and page 6.

(Jill Johnston): Yes, I believe that's the – as the same (inaudible) one about matches that the table. In this report that is the study area and then 140 versus the statewide analysis.

Mary O'Loan: OK, 142. OK, so the next paragraph then is 142. Are we having the same issue here – the same thing going on. African Americans make up a larger portion – proportion of the population living in (inaudible) industrial

(inaudible) and the proportion of the population living within three miles away from any facility with disparity.

(Jill Johnston): I believe that (inaudible) right that the 20 percent of African American compared to 13 percent of non Hispanic white that live within three miles of a (inaudible).

Mary O'Loan: I'm sorry were you quoting again from paragraph 132?

Mariane Engelman Lado: What are you talking about 142?

Mary O'Loan: 142, OK, thank you.

Mariane Engelman Lado: (inaudible). And it doesn't provide the numbers. But I believe the reference seems appropriate.

Mary O'Loan: OK. And the statement is accurate? 142, OK. Now were moving to 148.

Mariane Engelman Lado: Yes, that's the same. That's in reference to the statewide analysis.

Mary O'Loan: OK and that's accurate?

Mariane Engelman Lado: Yes.

Mary O'Loan: And 150. That's 0.2. This is a – Yes, I believe that is correct.

Mariane Engelman Lado: OK. So I'm just trying to reach back and – and Dr. (Johnson) you may remember as well these reference to table 2 there are different ways of looking at them. And one maybe that we met kind of the report six provides the information. It's more like a see also table 2 with consistent results. But – but the other way of thinking and I remember that there were lots of charts and tables with the numbers.

And I think and again Dr. (Johnson) you may remember better than I. We may have taken some charts and tables out simply to make it all more

presentable because it was kind of too long and too much. And if we did could this table 2 could have referred to statewide analysis.

I just don't remember if there was an earlier job with more tables but I seem to have some vague recollection and if so that it may just be kind of type o. But again it's also perfectly consistent, you know, that we may have just thought it also supported by table 2.

(Jill Johnston): You're are correct that some variation of all these tables included everything from the study area analysis and then a repeat, you know, maybe like, you know, 2A and 2B or something. I don't know exactly how we weighted it out but sometimes the study area to the whole state analysis. So it could have drawn on that.

And maybe the different iterations change. We try to not have quite as many table.

Mary O'Loan: Well I'm – this is Mary. I'm beginning to think maybe it would be a good idea to send all the tables in because I know that, you know, there were some questions here about numbers and stuff. So we could certainly look for any tables that we had that included the statewide analysis which is the piece here and because, you know, if we have something.

Also, you know, as these tables were being developed Dr. (Ling) and Dr. (Johnson) may have gone back to the data and tweaked, you know, and found that there was a mistake that we included (inaudible) or we included something else that had to be cleaned. So I don't want to send over stuff that isn't correct, isn't final, right? But because – because they worked on this and I said before there was a lot of work going into refining the data and then refining the methodology.

So but what we can look to see if there were – I do have a recollection that we may have had some near final tables that might have included the statewide data. And we just thought it was too much. So if we have that we can

certainly send that over and we'll look for that. I'll put a star next to that as a to do.

Mariane Engelman Lado: All right, thanks and when – just asking. So the tables don't have headers on them. they're descriptive like the ones that are here. So table 1 is –

Mary O'Loan: I'm not sure were looking for a totally free standing table or is Dr. (Johnson) said it may have been this table was an additional column. And we just thought it was too confusing to have all that information in one column. It's that kind of thing.

So – so it would have a header, you know, if it were a near final version. But I just don't – it's a couple of years ago. And by the time the revisions came long it was more like using this 2014 version as a base so some of these questions weren't revisited again

So its two years ago and I'd have to look back and confer with Dr. (Johnson). But I think there maybe something that we can send over to you with statewide data.

Female: Yes, we may have to format I'm not sure all the information ended up in this final format but the version of the data available.

Mary O'Loan: OK, all right. So turning back –

Female: Just to be clear as I read this and Mary you can correct if you're looking for something that I'm not thinking or Dr. (Johnson) correct me if I'm wrong about this. But the data is actually in on page 6. It's just that it's not presented in, you know, in table 2 and the references from table 2 and that's a little confusing. So if we can find that so it I'm happy to do that. But it doesn't -- Dr. (Johnson) does it change any of your conclusions or is there anything different or new about that data?

(Jill Johnston): No, I think it's consistent with what we – with the table that we show. And that, you know, the number and the text and what seems to be in this complaint form are correct.

Mariane Engelman Lado: OK. So, you know, we wanted to – I'm looking at the clock it's five after four. But we wanted to, you know, March through sort of these paragraphs to have you, you know, do what you've been doing so far which is that it's saying yes, that's an accurate characterization of this – this table. And then, you know, after that we have a handful of other questions.

But I'm wondering if there's an easier way to do this than just doing it on the phone here so that we can move on to the other kinds of – the other questions that we have. Did you -- Dr. (Johnson), did you write these paragraphs that are in the complaint or did you – and or did you – did you write them? That's the first question.

(Jill Johnston): No, I did not write them.

Mariane Engelman Lado: OK. Did you review them all before they, you know, came to EPA?

(Jill Johnston): I reviewed a version of them. I can't say whether it was the final version or not.

Mariane Engelman Lado: Yes, here's what I'm trying to do. Mary and I think you probably see what I'm trying to do here. I just want to make sure that – that Dr. (Johnson) because she didn't write it. But she does agree with what it says.

And that's all I'm trying to do to make sure that now when we use it, you know, when we – if we were going to, you know, use the languages in here that it's – that we can adopt it just trying to (inaudible) here. Let me propose this since Dr. (Johnson) – we didn't know that this was what you're going to do and Dr. (Wing) also reviewed these paragraphs.

And well, you know, we may have six type o's after he reviewed it. He definitely reviewed the final version. I – but perhaps since we didn't expect this line of questioning and Dr. (Johnson) has a copy of the complaint after the phone call either if you can identify which paragraphs you want her to review –

Female: Sure.

Mariane Engelman Lado: And so you can look at them and we can follow up. And if there are any points of divergents of course Dr. (Johnson) should say so on those paragraphs. But (inaudible) have time to review them and she can get back to us.

Female: Yes, I think that's more efficient.

Mariane Engelman Lado: OK. OK, is that OK with you Dr. (Johnson)?

(Jill Johnston): Yes, I can do that.

Mariane Engelman Lado: OK. Which paragraphs is it or do you want to e-mail us?

Female: We're going to e-mail it. Yes. And we'll have to e-mail you the list.

Mariane Engelman Lado: OK, the next question is I think we're already gone. It's hasn't been – the study has – now we're moving off the, you know, this sticky thing and moving into more general questions. So the study hasn't been published. And you're checking Mary on whether it was provided to DEQ.

Mary O'Loan: Yes.

Mariane Engelman Lado: OK. And I don't think we need to answer the next two. Do you know has this been made public in other way?

(Jill Johnston): I believe that on Earth Justice Website.

Mariane Engelman Lado: On the Earth Justice Website?

Female: Is that correct?

Mariane Engelman Lado: OK, then maybe I will after next question. Are you aware of any of response or criticisms or critiques of the study, you know, that are out there?

Female: I am not and Dr. (Ling) hasn't shared any with me if he has received something.

Mary O'Loan: Mariane have – have you?

Mariane Engelman Lado: I'm thinking. To be – to be as – as complete as I can but I'm racking my brain and I – I don't think I have received any critique or response for the disproportionality analysis.

Mary O'Loan: OK, all right. Well, you know, if you do come across anything, let us know. OK, now – now I just wanted to talk about the 2000 study. And mainly it's the differences between the 2000 study and the 2014 study. And, you know, sort of why those changes occurred if you know the answer.

So, one of the changes was –

Mariane Engelman Lado: I'm sorry before you go in to that, I like you to just hold up the –

Mary O'Loan: Yes.

Mariane Engelman Lado: -- our Website and it's look the disproportionality analysis is available through our Website.

Female: Not on the Website?

Mariane Engelman Lado: Not on our Website? Where?

Female: North Carolina Policy Watch.

Mariane Engelman Lado: North Carolina Policy Watch.

Mary O'Loan: OK. Complaint or the study?

Mariane Engelman Lado: The study.

Mary O'Loan: OK, good, OK.

Mariane Engelman Lado: But – OK, then if you heard that the 2014 analysis seems to be available on North Carolina Policy Watch. We – just also so, you know, this is a little bit of an (inaudible) from this interview but we have not generally made available the declarations to the press or to other people. We – we in general when we've got an inquiries we will call the declarant that might have information responsive to an inquiry.

And ask whether it's OK if we share their declaration even for people who did not ask to have their information anonymous. I mean it's anonymously and – and as, you know, there was – that – that there was that category as well. But we are, you know, -- we are respectful of people's courage and concerns about retaliation and so we've been very careful not to just throw everything up on the Website.

And it doesn't run to the disparities analysis but we haven't just put all the exhibits up on our Website or in any other place. So, that's – that's part of the backdrop as to why I'm not clear to where we sent what.

Mary O'Loan: OK. Did North Carolina Policy Watch just picked this up off of your Website? So, I'm wondering, so you said you haven't received any critiques. I guess I'm wondering or criticisms or, you know, any – anything not off the wall. Could it have gone in to –

Mariane Engelman Lado: North Carolina –

Mary O'Loan: North Carolina Policy Watch.

Elizabeth Haddix: It's a – this is Elizabeth.

Mary O'Loan: Yes.

Elizabeth Haddix: North Carolina Policy watch picked up the complaint from the centers Website and I'm not recalling any discussion that I had with them. But it would not surprise me at all because they're – they are investigative journalist that they would dig in to studies referenced in the complaint and share this with the public. So, in that – since the 2014 study, I mean it was not confidential, it's not surprising that they posted it on their Website.

Mary O'Loan: And Dr. (Ling) may have been talking to members of the public and providing copies since it wasn't confidential.

Mary O'Loan: OK.

Elizabeth Haddix: I'm pretty sure that they had also posted the 2000 report a long time – years ago.

Mary O'Loan: Right.

Elizabeth Haddix: So, it – it could be also that they've just been practicing Dr. (Wing's) work so.

Mary O'Loan: Do you have a relationship with them or they just pick your stuff up and – and they put it up there. Because what I'm wondering is whether they were on the receiving end of anything legitimate as far as the critiques.

Elizabeth Haddix: I do – we do have a relationship with them (inaudible) relationship with them so

Mary O'Loan: Yes, we, you know, we're interest – we are interested in it. I mean we're going to look to but we don't know what, you know, if they curate their site or

what happened. So, we would be interested if – if they happened to have anything.

Elizabeth Haddix: I'll find out.

Mary O'Loan: OK, sure, great. Thank you. OK so – so circling back Dr. (Johnson) to the – to the 2000 study and some of the changes in the methodology from that study to the 2014 study. One of the things that was discussed in the 2000 study had to do with well water. And looking at those that were – you know, somehow including those and now I can't remember because I'm – I'm looking for it now.

But that was taken in to account but that wasn't discussed in the 2014 study.

Female: So, my understanding in that report they looked at sort of three different vulnerable populations. One being racial and ethnic minorities, one, do you know looking at people living poverty. And a third looking at people who are relied on well water, but so – the – they all of three variables we're not included in one model because they were sort of three parallel analysis that looked at the correlation between those different categories stick to the population and proximity put to (inaudible).

Mary O'Loan: OK. And the well water components wasn't done in 2014, do you know – is there a lead in –

Female: Yes, I mean so specifically we kind of prioritize looking at racial and ethnic disparities in that analysis. And just – just a limited focused specifically on that issue. But also – so the 1990 census included information about people's drinking water resources. But the best of my knowledge that is the last census that included that data so if we wanted to look at data in, you know, in the 2020 start (inaudible) the 2010 census.

They did not include questions asking about drinking water.

Mary O'Loan: All right, great, thank you.

Mariane Engelman Lado: It's like this is Mariane if I could just interject, so because this is – this was not a general study for the general public but a study to test whether there was a racial disparity related to the general permit. The – the request was to examine that question whether there are disparities on the (inaudible) and ethnicity. So, you know, there's a difference between doing a study, you know, for the general inquiry of, you know, of vulnerable populations and – and their relationship to (inaudible) and looking in to the relationship on the basis of race and ethnicity and whether the civil rights law is violated.

So, it was really a question as to whether or not there was a disparity that cognizable under the civil rights law that, you know, that Dr. (Ling) and – and Dr. (Johnson) generously took up. So, that you know, -- that's a big part of it here.

Mary O'Loan: OK. Yes, I – I understand what you're saying Mariane. OK, the – so the next question it has to do with the distance and we talked about a little bit earlier. And I think that 2000 study did one and two mile buffers and now this one goes to three so can you – can you – and the next one has to do – the next question I have has to do with the measurement. The idea of moving off the buffer zones around the – since the black group area to using the center.

So, I mean maybe it's all related but if you could explain that.

Female: Yes, yes so a major difference between the – for the special approach that we took in these two different reports is in the 2000 reports they relied on black groups.

And so here there was a little over 4,000 black groups included I believe in the study area. And so, with our report we have over 200,000 blocks in our study area. So, the size of the blacks and the size of the black groups are very different especially in rural areas because they sort of and acrid to have, you know, similar types of populations in terms of counts in the – in these different census like geographic areas. And so rural areas the black groups tend to be very big and so – so they were looking at the – the principal

analysis in this 2000 report wanted to see if there was any (inaudible) in the black groups.

And that as sort of a sensitivity approach because, you know, you can have (inaudible) right in the corner of a black group and so that could impact it's neighboring black groups as well or a proportion of that population. So, as a sensitivity approach they also look at, sort of one mile around the black group and then two miles around the black group and included, you know, the category of whether or not it was near a (inaudible) or it's adjusted based on those parameters.

So, in contrast when you look at blocks, I don't remember the exact number but, you know, there's a little over 2,000 (inaudible) in the state so if we were just to assign exposure based on whether or not there was a (inaudible) in the block, you know, that went down to like fewer than a thousand blocks because they're just much smaller. And so for – for this analysis it – when – when you're using blocks as your unit of analysis then – then you need to consider I mean we believe it's important to consider a buffer zone around it because we know how chemicals can travel off site.

And so, you know, using evidence a lot of papers that have been published since 2000 we sort of relied on a – a three miles buffer for the 2014 report. But that is – I mean the – the special scale of the few are just – it was very different and so that's part of these and issue their difference in what kind of buffers, what considers.

(Jill Johnston): Let – let me ask what – and this is (Jill) so I'm – I'm understanding that you all looked the blocked group and you still considering I guess the travel, the air emissions of H₂S, you all didn't overlay on this one as well to come up with that distance.

Female: On the 2000 report?

(Jill Johnston): Yes.

Female3: So, the choice of the one and two mile buffers I can now specifically speak to.

(Jill Johnston): OK.

Female: As our part – I believe the data presented here in the table don't specifically include the buffer zone but that was used as a sensitivity analysis. So, if we included these buffers or change their definition of exposure with the patterns that we changed and – and from my understanding of this report, you know, the patterns were – were consistent but I believe the tables show rely on the definition of that blocked group is exposed if there's a capo in that blocked group.

(Jill Johnston): I'm going to repeat that. So, you're saying the block group is exposed if there is a capo in that blocked group?

Female: Yes, that was the primary definition of the analysis from – from my understanding in this 2000 report.

Mary O'Loan: And the one and two mile buffer around the block group was not that populations were measured one and two miles outside of that blocked group? For some other reason.

Female: Yes, so it would take – so perhaps there would be no capo in a block group.

Mary O'Loan: OK.

Female: But if you do a one mile buffer around it there would be a capo. So, under that condition you would include that block group as this population is exposed to a capo. And – it doesn't specify I assume because it's block group that's using like around the – one mile around the buffer rather one mile from the centroid.

Mary O'Loan: Yes.

- Female: Because – you know, because block groups are so much bigger so – so you wouldn't get much outside the borders with that definition.
- Mary O'Loan: Dr. Johnston –
- Female: Yes.
- Mary O'Loan: And so just to – just to make sure I have it and it's clear when you say you would include that (inaudible) that's in the buffer off to two miles away in exposure that would be in the sensitivity analysis but not in – I don't know what you call it but the core analysis.
- Female: Yes, that's how, you know, I don't want to say 100 percent because I do not make these tables. But as I read this paper and how I understand the data presented is they're not using the – the buffered definition. They're – they're just using the category of whether or there's an (inaudible) inside the block group.
- Mary O'Loan: OK, OK, anybody else? All right so the next question and Mariane, I think this probably goes back to what you've already said but. Why was poverty omitted this time?
- Female: Yes, I think it goes back to the same point is that we were, you know, looking at – at criteria that were considered under the – the civil rights act.
- Mary O'Loan: OK.
- Female: And – and so, you know, poverty not being one of those classes considered we didn't included it in the analysis.
- Mary O'Loan: OK. Are there any other differences that you by chance know about between 2000 and the 2014?
- Female: I mean, you know, the – how we assigned which people were exposed. We're different also this analysis includes all commercial (inaudible) in the state of

North Carolina whereas the 2014 we restricted to those (inaudible) that are covered under the general permit. So, it does not include ones under the individual permits or under (inaudible).

Mary O'Loan: OK. Didn't you Dr. Johnston, explain what you mean by how the – how people are assigned. Are you referring to the use of quintiles and can you explain what the significance of that is.

(Jill Johnston): Yes, so actually now as (inaudible), you know, it was – you're considered to be exposed to a (inaudible) if you live in a block group with the (inaudible). You know, whereas in our – in our 2014 report, you're considered to be exposed to a (inaudible) if you're – the centroid of your block is within three miles of (inaudible).

Mary O'Loan: Right.

(Jill Johnston): But, yes, here also the – we – we take a similar approach to using your (inaudible) variables to account for non-linearity in the relationship between, you know, racial composition and proximity or exposure to (inaudible). But in this 2000 analysis they divide the group so that in each of the prior groups there's an equal number of block groups in it. So, that's how they defined their power point. So, for example like the – what was quintile is (inaudible) at 2.3 percent, the highest quintile more than 44 percent people of color.

Whereas in the updated (inaudible) we used partly just – because we thought it was a little bit more intuitive and easier to understand. We categorized the percent people of color in to equal – like equal percentages.

So, our reference group was the (inaudible) percent people of color because that was a high percentage of population where they live in blocks with no people of color and then divided it from, you know, more than (inaudible) with the 20 – 20 to 40 in this group of 20 percent. Because it's – it's a low risk I think easier to communicate rather than having to talk about, you know, that quintile versus that quintile and also because then we're able to look at, you know, these census blocks that are majority people of color.

Mary O'Loan: So, Dr. Johnston so that the – just a follow up on that. So, that if you used quintile it would have – would you – it would have been difficult to say anything meaningful about the effect of living in a – over 60 percent versus over 80 percent people of color community but using your methodology you could get more granular on that basis? Is that – is that right? I didn't hear the answer.

(Jill Johnston): I'm sorry. Yes, that is correct.

Mary O'Loan: OK. OK. Anybody else have any other questions, comments? OK. So, the 2000 study and – and, you know, maybe you – you may not be able to answer this but are you aware of any criticisms of that study. So, I think that – wasn't that submitted in one of the general permit processes? So, I'm wondering if they got more play in the outside world then if, you know, what reaction there may have been to that that you're aware of or critiques?

(Jill Johnston): I mean it was polished and as I know how pushed back is with this, you know, I had quality journal and environmental house codes went to the pair of new process. But I can't speak to any of critiques of it.

Mary O'Loan: OK. All right, where are we now? I think we're close to wrapping up here. we have a general – one – one last – one question here is the – is the generic one that's – that's all experts get asked and you probably seen it on TV which is the – you know, were you compensated for doing the study.

(Jill Johnston): No. No, I was not.

Mary O'Loan: OK. And the other question I have – I heard somebody laughing we're wondering if – if you had worked with Dr. (Ling) on any other studies related to swine and – and swine farms of North Carolina.

(Jill Johnston): Yes, I worked with him and also Dr. (Getri) around that analysis of hydrogen sulfide concentration near middle schools in Eastern North Carolina which was recently published.

Mary O'Loan: OK, that was – I think that is in your CV or was referenced on your CV, is that right?

(Jill Johnston): Yes, yes.

Mary O'Loan: And – and I was just going to interject here that that work and – and (Dr. Johnson's) experience working on studies generally community based participations studies and other work in the community on which she might base opinions about the adverse impact of – of swine (inaudible) could be subject to another interview as we kind of went back and forth on – that wasn't the premise of this interview but –

(Jill Johnston): Right.

Mariane Engelman Lado: But she's generously said that, you know, if – if she knows in advance that she'd be more than happy to talk to you about that body of work in the research associated with it.

Mary O'Loan: OK, that would be great. Did – did the hydrogen sulfide study get submitted with the materials you sent in April Mariane?

Mariane Engelman Lado: Yes, it is the study that is – it was confidential at the time but it is since been published. So, it – it's – it exhibit but it also says it's confidential.

Mary O'Loan: OK, so –

Mariane Engelman Lado: It was pre-publication at that point.

Mary O'Loan: We have a – the – I'm trying to find – do we can – can send up the publication copy just to make it easy?

Mariane Engelman Lado: Yes.

Mary O'Loan: For us the – the published version, that would be great. You have any other questions right now, do you have another one?

Female: I don't think so.

Mary O'Loan: Is there – is there anything else that – that you wanted to add Dr. Johnston?

(Jill Johnston): You don't – no, I don't believe so, I think if you have a chance to review or update the report then I'm happy to answer any questions or if there are any clarifications related to that but if – if I was a pretty parallel structure that you have we just refined the which (inaudible) we're in included in the analysis.

Mary O'Loan: OK , and so, yes, and I'm kind of thinking Mariane since I haven't had a chance to look at it that, you know, how we were going to send you the paragraph that we wanted to do. I have a feeling we're going to – we have to fix because we have to switch it now to the – to the newer study. So, there's a newer study – what you submitted Mariane, is it going to include – is it's just a new study or do you have a cover letter that it's like the complaint that goes through and, you know, here's the – here's the layman, you know, description of what is in – the support.

Mariane Engelman Lado: So, it's a little bit of a hybrid in the sense that we have the complaint and we're – we're filing additional submission in support of the allegations in the complaint. We don't amend the complaint and say this goes to paragraph 132, we rather are just submitting additional documentation in support of those allegations. So, there is a – a short cover letter but it's not – it's not lengthy and, you know, doesn't go in to which paragraph that it's supports.

Mary O'Loan: OK.

Mariane Engelman Lado: OK, the other thing I was thinking might be useful since we're ending up a little bit early which is good is just to say a little bit more about Dr. Johnston experienced, you know, and background and expertise on methodological issues and, you know, -- and of course it's (Todd) or -- or

research done or either you have her CV and I think Jeryl Covington asked some questions earlier on but if you have any questions out that are – or I would just open up to Dr. Johnston to say a few more words about whether you have taken any courses or have any special training or expertise on methodology in epidemiology and public health.

(Jill Johnston): Sure. I mean because the starting point is, you know, that's – that was not submitted to the (inaudible) process but there's a recent publication that – that are authored in the American Journal of Public health. That – so the uses are very similar approach to a racial disparities analysis. It's around a different topic looking at waste water disposal wells in – in South Texas so not related to industrial animal operations. But, you know, when did the peer review process used (inaudible) data and – and a very similar approach to that.

So, there is, you know, some of – some of that sort of expertise and – and credentials in the peer reviewed literature that – that is similar methods to what we're doing here in this paper. You know, but also, yes I mean I do have fairly expensive course work and the – these different types of – of progression modeling epidemiological study designed and also just quantitative data analysis process like both in, you know, in biostatistics and epidemiology and then also in the (inaudible) metrics.

And – and then, you know, I had a two year post doctoral fellowship and environmental epidemiology and – and co-taught class with Dr. (Ling) specifically on community based epidemiological methods and environmental justice.

Mariane Engelman Lado: OK, well thank you actually that was helpful particularly to the reference to the West Texas or the – the –

(Jill Johnston): Yes, so (inaudible) I mean I can send it to you but it's also included in my CV and, yes maybe helpful I – I think it's from critiques on – on the – from the oil industry but nothing that – that was really methodological driven but – but yes that can – it's – it's a reference in the peer review literature that's – that takes a

very similar approach to – to had it analyze data in a racial disparities analysis as (inaudible).

Mary O'Loan: OK, is it – is it easy for you to send us that report that because that – that –

(Jill Johnston): Yes.

Mary O'Loan: -- I think that would be helpful and then –

(Jill Johnston): Then maybe I could send it to Mariane and then – and in her package she can share with you.

Mariane Engelman Lado: Yes.

Mary O'Loan: Great. And the – the oil and gas industry comments or response or whatever you want to call it. How – like what form did that take?

(Jill Johnston): It came out to a reporter that shared it to me – with me.

Mary O'Loan: Can – would you be willing to share that as well?

(Jill Johnston): Yes, let me – let me review it but probably –

Mary O'Loan: OK. OK, did anybody else have any questions at this point? OK. So, we – we have some follow up, we have some things to give you, we'll wait for your list of paragraphs as well and exchange information and then it's sounds like on – on the – the follow up report that was submitted this year as well as the more recent study as well as other studies and work on the adverse impacts we should schedule another interview time.

And we can try to do that relatively quickly I think if – if you like so let's try to get that all under way.

Mariane Engelman Lado: Yes, I think we'll have to – to get back to you on that.

Brent Ducharme: Yes, yes Mariane what I – what I have identified so far is that you will be sending after you review the background, the statewide study so that we can correlate the tables and the statewide data that you have in the – in the report. We will follow up on whether that questions for the paragraphs are relevant. We need to review the data that you just sent to us on April 12, 2016 to see if those questions have been answered. So, we'll have to review that e-mail and I did receive those e-mail submission.

So, let us look at that and then we'll probably coordinate amongst ourselves on the follow up interview with Dr. Johnston and yourself.

Mariane Engelman Lado: Sure (inaudible) if you could send me some dates. I – I think what we said on the statewide data is if there are final charts again, I think it's just a reference problem and the complaint to this table to –

Brent Ducharme: Yes.

Mariane Engelman Lado: If there was another table too with the state wide data or another table with the state wide data or another column in an earlier draft that, you know, sufficiently well along, we'd be happy to send it to you.

Brent Ducharme: OK.

Mariane Engelman Lado: But we will – we'll look for that and get back to you on that.

Brent Ducharme: OK. And the – the follow up we did receive in the April 12 submission the (inaudible) report that is marked confidential and I think you're going to submit that after publication without the confidential reference to it.

Mariane Engelman Lado: Correct.

Brent Ducharme: And Dr. Johnston is going to do the supplementary information on the oil and gas disparity analysis literature to you and then you'll subsequently submit that to us.

Mary O'Loan: So, I think it would be the publication as well as she's going to review the feedback she got to see if it's appropriate to forward.

Mariane Engelman Lado: Right.

Brent Ducharme: Right. OK.

Mariane Engelman Lado: Terrific. OK, OK. Thank you.

Mary O'Loan: Yes, I think that's it for now.

(Jill Johnston): OK.

Mariane Engelman Lado: OK.

Mary O'Loan: All right thank you very much and thank you Dr. Johnston.

(Jill Johnston): All right thank you.

Mary O'Loan: OK, bye-bye.

Operator: The leader has disconnected, the conference will now end.

END

END

To: Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Mon 3/7/2016 5:39:33 PM
Subject: Fw: EPA OCR Complaint 11R-14-R4 (ADR)
[draft rfi.pdf](#)

I am adding Johahna to the distribution list.
She will be my backup on REACH.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Farrell, Ericka
Sent: Monday, March 7, 2016 11:55 AM
To: O'Lone, Mary; Covington, Jeryl
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Here is the last drafted RFI that I thought we would send out right away if ADR did not go through. We would need to make some changes to the letter since ADR did not work out.

-----Original Message-----

From: O'Lone, Mary
Sent: Monday, March 07, 2016 11:40 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

Ex. 5 - Attorney Client/Deliberative

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Monday, March 7, 2016 11:27 AM
To: O'Lone, Mary; Farrell, Ericka
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Message-----

From: O'Lone, Mary
Sent: Monday, March 07, 2016 11:18 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

Ex. 5 - Attorney Client/ Deliberative

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Monday, March 7, 2016 11:12 AM
To: O'Lone, Mary; Farrell, Ericka
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Ex. 5 - Deliberative Process

-----Original Message-----

From: O'Lone, Mary
Sent: Monday, March 07, 2016 10:57 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: Fw: EPA OCR Complaint 11R-14-R4 (ADR)

Okey dokey.

Let's talk ASAP.
I will see if we can get Will to talk with us as well.

The tolling letter went out, correct?

Ex. 5 - Attorney Client/ Deliberative

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Monday, March 7, 2016 10:40 AM
To: O'Lone, Mary; Golightly-Howell, Velveta; Dorka, Lilian; Wooden-Aguilar, Helena; Temple, Kurt;
Packard, Elise; Rhodes, Julia; Farrell, Ericka

Cc: Whickum, Cheryl
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Ms. Whickum is scheduling the meeting to discuss next steps.

P.S. The case manager for REACH is Ericka Farrell; I am serving as the technical staff on this investigation.

-----Original Message-----

From: O'Lone, Mary
Sent: Monday, March 07, 2016 10:39 AM
To: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Whickum, Cheryl <Whickum.Cheryl@epa.gov>
Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

Velveta-

Oh no, I am so sorry to hear the ADR has failed.

I will work with Jeryl (who is both acting AD this week & Case manager) to prepare for a meeting.

FYI. I am out this Friday at training.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Golightly-Howell, Velveta
Sent: Monday, March 7, 2016 9:43 AM
To: Dorka, Lilian; Wooden-Aguilar, Helena; Temple, Kurt; Packard, Elise; Rhodes, Julia; Farrell, Ericka; O'Lone, Mary
Cc: Covington, Jeryl; Whickum, Cheryl
Subject: FW: EPA OCR Complaint 11R-14-R4 (ADR)

FYI. A case discussion is needed to determine next steps. As Case Manager, would you please contact Ms. Whickum to coordinate it?

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.

Mail Code 1201A
Washington, DC 20460
202-564-7272

-----Original Message-----

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Monday, March 07, 2016 9:37 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Cc: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Elizabeth McLaughlin Haddix <emclaugh@email.unc.edu>; Hall, William <Hall.William@epa.gov>
Subject: EPA OCR Complaint 11R-14-R4 (ADR)

Re: EPA OCR Complaint 11R-14-R4

Dear Ms. Covington,

This email is intended to provide notice that complainants REACH, North Carolina Environmental Justice Network (NCEJN) and Waterkeeper Alliance, Inc., have come to the conclusion that Alternative Dispute Resolution in the above-mentioned case is not productive and is only serving to delay resolution of the complaint. We have also conveyed this information to the North Carolina Department of Environmental Quality, Will Hall, and the **Ex. 6 - Personal Privacy**

We request that OCR initiate its investigation of the allegations that were accepted on February 20, 2015.

Please contact me at your earliest convenience to set up an interview **Ex. 6, 7(c) - Personal Privacy**. As we have discussed, **Ex. 6, 7(c) - Personal Privacy** and we hope to schedule a time in the near future that is as convenient as possible for him.

Finally, we wanted to mention that our initial mediation session was interrupted by an effort by the National and North Carolina Pork Councils to interject themselves into the mediation process. Despite the terms of ADR, which included a requirement that mediation be confidential, and despite our clear opposition to their self-styled "motion to intervene" in the complaint and mediation process, five representatives from the Pork Council appeared without notice to Complainants at the first mediation session. Their presence and insistence at playing a role in mediation delayed the start of our session and acted as a form of intimidation of our clients. Representatives from DEQ failed to object to the behavior. Indeed, quite the opposite, they tried to persuade Complainants to consent to bringing the Pork Councils into mediation. We thought it was relevant and important to bring these events to your attention.

Sincerely,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Covington, Jeryl
Sent: Wed 4/6/2016 8:01:52 PM
Subject: RE: draft RFI for REACH - please review

NC ACC has the demographic information by the county. This site also provides background about each of the counties.

This information is linked to the US Census inform too.

From: Farrell, Ericka
Sent: Wednesday, April 06, 2016 3:59 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; O'Lone, Mary <o'lonemary@epa.gov>
Cc: Johnson, Johanna <Johnson.Johanna@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: draft RFI for REACH - please review

Hi Mary,

I have it pulled up and I can narrow down by permits but it does not give me the demographics of the surrounding area so this would take some time to do. Most articles that I have read that shows what you are requesting cite to Dr. Wing's report.

From: Covington, Jeryl
Sent: Wednesday, April 06, 2016 3:48 PM
To: O'Lone, Mary <o'lonemary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Johnson, Johanna <Johnson.Johanna@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: draft RFI for REACH - please review

My time has been consumed with other activities and I have been unable to address your inquiry.

As previously noted, NC DEQ has a GIS mapping site that allows users to make these permit queries. Please utilize the following:

<http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=85ae6392d0e94010a305eedf06e3f288>

This should work in IE, Foxfire, and Chrome.

From: O'Lone, Mary
Sent: Tuesday, April 05, 2016 6:26 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: Re: draft RFI for REACH - please review

Ericka & Jeryl-

Ex. 5 - Deliberative Process/ Atty Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Tuesday, April 5, 2016 5:16 PM
To: O'Lone, Mary; Farrell, Ericka
Cc: Johnson, Johahna
Subject: RE: draft RFI for REACH - please review

The DEQ website link allows you to make queries by the permit type and/or other attributes. The results, based on your query, depict the locations for the permitted activity.

From: O'Lone, Mary
Sent: Tuesday, April 05, 2016 9:07 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Re: draft RFI for REACH - please review

That is what I thought.

Ex. 5 - Deliberative Process/ Atty Client

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1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Tuesday, April 5, 2016 8:39 AM
To: O'Lone, Mary; Farrell, Ericka
Cc: Johnson, Johahna
Subject: RE: draft RFI for REACH - please review

I have been out of the office and am just returning.

DEQ has a GIS mapping of each of the permitted facilities. You can query this mapping for specifics elements.

From: O'Lone, Mary
Sent: Monday, April 04, 2016 10:13 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Fw: draft RFI for REACH - please review

Jeryl & Ericka-

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For planning purposes, I am out this Friday.

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Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, April 4, 2016 8:13 AM
To: Lareau, Alyssa (CRT)
Subject: Re: draft RFI for REACH - please review

Alyssa-

I am back. My schedule is wide open until 4 pm.

I will look into setting up a call.

Have you all done any looking at where the other types of CAFOs are located?

If not, maybe we can figure out a quick way to do that before we ask for all that data.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>
Sent: Wednesday, March 30, 2016 2:39 PM
To: O'Lone, Mary; Neal, Daria (CRT); Dorka, Lilian
Cc: Rhodes, Julia; Goldschmidt, Iris (CRT); Johnson, Johanna; Temple, Kurt; Farrell, Ericka; Covington, Jeryl
Subject: RE: draft RFI for REACH - please review

Mary,

Ex. 5 - Deliberative Process/ Atty Client

Thanks!

Alyssa

Alyssa C. Lareau

Attorney

Federal Coordination and Compliance Section

U.S. Department of Justice - Civil Rights Division

Direct: (202) 305-2994 [voice]

alyssa.lareau@usdoj.gov

<http://www.justice.gov/crt/about/cor/>

From: O'Lone, Mary [mailto:o'lane.mary@epa.gov]

Sent: Tuesday, March 29, 2016 10:44 AM

To: Neal, Daria (CRT); Dorka, Lilian

Cc: Rhodes, Julia; Lareau, Alyssa (CRT); Goldschmidt, Iris (CRT); Johnson, Johahna; Temple, Kurt; Farrell, Ericka; Covington, Jeryl

Subject: RE: draft RFI for REACH - please review

Ex. 5 - Deliberative Process/ Atty Client

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Ex. 5 - Deliberative Process/ Atty Client

Thanks, Mary

Mary O'Lone

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US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]

Sent: Friday, March 25, 2016 6:54 PM

To: O'Lone, Mary <o'lane.mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Rhodes, Julia <Rhodes.Julia@epa.gov>; Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>; Goldschmidt, Iris (CRT) <Iris.Goldschmidt@usdoj.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: RE: draft RFI for REACH - please review

Hello Mary,

Ex. 5 - Deliberative Process/ Atty Client

We are available next week to discuss.

Thanks and have a good weekend.

Daria

From: O'Lone, Mary [mailto:o'lonemary@epa.gov]

Sent: Tuesday, March 22, 2016 8:57 PM

To: Dorka, Lilian; Neal, Daria (CRT)

Cc: Rhodes, Julia; Lareau, Alyssa (CRT); Goldschmidt, Iris (CRT); Johnson, Johanna; Temple, Kurt; Farrell, Ericka; Covington, Jeryl

Subject: draft RFI for REACH - please review

Daria-

Ex. 5 - Deliberative Process/ Atty Client

Thanks, Mary

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Office of General Counsel

US EPA

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Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[o'lonemary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
Cc: Johnson, Johanna[Johnson.Johanna@epa.gov]
From: Covington, Jeryl
Sent: Tue 4/5/2016 9:16:04 PM
Subject: RE: draft RFI for REACH - please review

The DEQ website link allows you to make queries by the permit type and/or other attributes. The results, based on your query, depict the locations for the permitted activity.

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Jeryl & Ericka-

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Cc: Rhodes, Julia; Goldschmidt, Iris (CRT); Johnson, Johahna; Temple, Kurt; Farrell, Ericka; Covington, Jeryl

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Mary,

Ex. 5 - Deliberative Process/ Atty Client

Thanks!

Alyssa

Alyssa C. Lareau

Attorney

Federal Coordination and Compliance Section

U.S. Department of Justice - Civil Rights Division

Direct: (202) 305-2994 [voice]

alyssa.lareau@usdoj.gov

<http://www.justice.gov/crt/about/cor/>

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Cc: Rhodes, Julia; Lareau, Alyssa (CRT); Goldschmidt, Iris (CRT); Johnson, Johanna; Temple, Kurt; Farrell, Ericka; Covington, Jeryl

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Thanks, Mary

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From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]

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Cc: Rhodes, Julia <Rhodes.Julia@epa.gov>; Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>; Goldschmidt, Iris (CRT) <Iris.Goldschmidt@usdoj.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

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Cc: Rhodes, Julia; Lareau, Alyssa (CRT); Goldschmidt, Iris (CRT); Johnson, Johahna; Temple, Kurt;

Farrell, Ericka; Covington, Jeryl
Subject: draft RFI for REACH - please review

Daria-

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